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Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

List of issues in relation to the second periodic report of China (E/C.12/CHN/2), including Hong Kong, China (E/C.12/CHN-HKG/3) and Macao, China (E/C.12/CHN-MAC/2)*

Addendum

Replies of China to the list of issues** ***

[27 January 2014]

* The list of issues (E/C.12/WG/CHN/Q/2) submitted by the Committee in June 2013 comprises three parts: part one (paras. 1–39) relating to China; part two (paras. 40–59) relating to the Hong Kong Special Administrative Region of China; and part three (paras. 60–70 and responses) relating to the Macao Special Administrative Region of China.

** The responses of the State party below comprise only part one (those relating to China).

It should be noted that the Chinese Government organs concerned have carefully prepared a large number of detailed materials in accordance with the Committee's requests. Contributions have also been made by relevant Chinese non-governmental organizations, as well as scholars and specialists in related fields.

*** The present document is being issued without formal editing.

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Part One

China

I. General information

Question 1: Please clarify whether the State party will establish a national human rights institution, with a broad human rights mandate, in line with the Paris Principles (General Assembly resolution 48/134, annex).

1. At present, China has not set up a national human rights institution in the sense of the Paris Principles. On the basis of the State Council Plan for Institutional Reform and Functional Transformation adopted at the first meeting of the Twelfth National People's Congress in 2013, a total of 25 new component departments of Government have been set up under various ministries and commissions, including the Ministries of Education, Supervision, Justice, Human Resources and Social Security, Commerce, and Culture, as well as other Government entities administered by those ministries and commissions, such as the State Bureau for Letters and Calls. Many Government institutions bear functional responsibilities similar to those of a national human rights institution in the sense of the Paris Principles, providing their respective organizational safeguards of human rights protection. For example, education departments prepare guidelines, polices and plans for educational reform and development, and organize, implement, supervise and monitor them; they are responsible for the overall planning and coordinated administration of education at every level, including planning and directing education for ethnic minorities and coordinating educational assistance for ethnic-minority groups and regions. Civil-affairs departments prepare plans, guidelines and policies for the development of civil affairs, and organize, implement, supervise and monitor them; they prepare preferential policies, standards and methods; they prepare policies for relief work, and are responsible for organizing and coordinating it; and they prepare autonomy-building and community-building policies for ordinary urban and rural people, promoting the construction of grass-roots democratic policies. Human resources and social security departments prepare human-resources and social-security development plans and policies, and organize, implement, supervise and monitor them; they are responsible for employment-promotion work, and they plan and set up social security systems. Culture departments prepare guidelines and policies for culture and the arts, along with cultural and artistic development planning; they promote public cultural services in the sphere of culture and the arts and direct and supervise cultural activity in society, providing guidance for libraries and cultural centres and cultural development at the grass-roots level.

2. Moreover, the Chinese Government has drawn up and implemented a national human-rights action plan and specifically established a joint meeting mechanism for the plan that is responsible for its implementation, supervision and evaluation. The leading departments for the joint meeting mechanism are the State Council Information Office and the Ministry of Foreign Affairs. Its members include the legislative affairs organ of the National People's Congress Standing Committee, relevant organs of the National Political Consultative Conference, the Supreme People's Court, the Supreme People's Procuratorate, the National Development and Reform Commission, the Ministry of Education, the Ministry of Civil Affairs, the Ministry of Justice, the Ministry of Human Resources and Social Security, the National Health and Family Planning Commission, the Ministry of Culture, the China Disabled Persons Federation, and the China Society for Human Rights Studies.

Question 2: Please provide information on measures taken, including legislation, regulations, policies and guidance, to ensure that businesses respect economic, social and cultural rights throughout their operations – including when operating abroad –, in particular in the extractives sector and in commercial operations involving the appropriation of land.

3. At the policy level, the overseas investment programme under the Outline of the Twelfth Five-Year Plan for National Economic and Social Development of the People's Republic of China (hereinafter referred to as the Twelfth Five-Year Plan), announced by the Chinese Government in July 2012, clearly defined the guiding ideology, major objectives and basic principles for overseas investment during the Plan period, put forth the main tasks to be completed, and prepared corresponding policy guarantee measures. It is thus the primary guiding document in the area of China's overseas investment during the period of the Twelfth Five-Year Plan. The Plan proposes that the Government should strengthen the coordination of overseas investment projects; avoid disorderly competition; guide enterprises to operate lawfully overseas; emphasize the protection of environmental resources; strengthen the influence of the overseas environment and the evaluation of risk; give prominence to the principles of equal cooperation, complementary advantage, and promoting understanding and mutual trust; and emphasize the social responsibility of fulfilling contract obligations.

4. At the regulatory level, the State-owned Assets Supervision and Administration Commission of the State Council has drawn up and issued a series of regulatory and normative documents comprising the Interim Measures for the Administration of Overseas State-owned Property Rights of Central Enterprises, the Interim Measures for the Supervision and Administration of Overseas Investment of Central Enterprises, and the Guiding Opinions on Strengthening the Prevention of Legal Risks in Internationalizing the Management of Central Enterprises; from the perspective of State-owned assets supervision and administration, these documents set standards for the operational behaviour of central enterprises [i.e. those directly controlled by the Central Government] in their overseas investments. For example, they require central enterprises to guide and supervise their overseas subsidiaries in conscientiously complying with the laws and statutes of the countries and regions in which they are investing, protecting the lawful rights and interests of local employees, and integrating tax administration, environmental protection, production safety and occupational health in the day-to-day administrative and management systems of those overseas subsidiaries. In 2012, the Chinese Government issued the Opinions on Culture Construction for Chinese Overseas Enterprises, requiring overseas enterprises to obey laws and regulations, strengthen ethical norms, fulfil their social responsibilities, and enhance local integration.

5. At the guidance level, in 2011, the Chinese Government issued the Guidelines for the Administration of Employees of Chinese-funded Overseas Enterprises and Institutions, to guide enterprises in setting rules for their administration and effectively integrating with local societies. In 2012, the Government issued the Guiding Opinions on Accelerating the Cultivation of New Advantages in International Cooperation and Competition, which pointed out that while they implement the "Go Global" strategy, Chinese enterprises must respect and give consideration to the reasonable concerns of all parties with whom they cooperate, broaden the areas in which the interests of all parties converge, and handle conflicts properly, meeting global challenges, sharing opportunities, and creating markets together with the international community. The Ministry of Commerce has issued a Social Responsibility Guide for [Chinese] International Contractors, directing the China International Contractors Association to make vigilance against acts of commercial bribery an important indicator for evaluating the credit rating of enterprises: those which seriously violate this rule will be dealt with, inter alia, through lowered credit ratings. The Association is now publishing yearly social responsibility reports on the international

contracting industry. In 2013, the Ministry of Commerce and the Ministry of Environmental Protection jointly issued the Environmental Protection Guidelines for Overseas Investment and Cooperation, guiding enterprises in setting rules for the conduct of their foreign investment and cooperation activities, and directing them to actively fulfil their responsibilities to protect the environment and support the sustainable development of host countries. The Ministry of Commerce also issued the Collected Documentation on Enterprise-building in Chinese Outward Investment and Cooperation, to help the administrative departments of government at all levels provide stronger direction to enterprises on "Going Global", fostering the setting of rules for enterprise overseas operating practices and trade self-regulation, as well as ensuring the smooth implementation of the "Going Global" strategy.

6. Moreover, the Chinese Government is actively strengthening personnel training for enterprises operating overseas. The Organization Department of the Communist Party of China (CPC) Central Committee, the State-owned Assets Supervision and Administration Commission, and the All-China Federation of Industry and Commerce have provided systematic training for more than a thousand managerial staff of enterprises "Going Global"; setting rules for overseas operations was an important part of that training.

Question 3: Please provide information on whether and to what extent the rights contained in the Covenant have been incorporated into domestic law and whether these can be invoked before domestic courts by all persons under the jurisdiction of the State party.

7. China has always attached great importance to protecting the basic rights of its citizens. With the exception of articles on which China has entered reservations, all rights contained in the Covenant have been incorporated into domestic law.

8. **Right to self-determination**. Chinese laws and regulations, among them the Constitution, electoral law and local organic laws, stipulate that citizens have the right to manage the nation's affairs in accordance with the provisions of those laws and regulations; the individual's right to ownership of legitimate property is also protected under the law.

9. **Principle of non-discrimination**. China consistently adheres to the principle of non-discrimination with regard to respecting, protecting and implementing the rights contained in the Covenant. All Chinese citizens are equal before the law, and equally enjoy rights contained in the Covenant. The Chinese Constitution, the Law on Regional National Autonomy, the Labour Law, the Law on the Protection of Rights and Interests of Women, the Law on the Protection of Rights and Interests of the Elderly, the Law on the Protection of Minors, the Law on the Protection of Disabled Persons, and the Law on Promotion of Employment expressly prohibit discrimination on the basis of ethnicity, race, profession, gender, age or disability; they set forth provisions on the substantive application of the principle of non-discrimination in related areas, and protect the rights and interests of special groups.

10. **Principle of Equality of Men and Women**. China attaches great importance to the protection of the rights and interests of women, and the implementation of equality between men and women is a basic State policy; in legislation, women enjoy the same political, economic, cultural, social and family-life rights as men. In addition to the Constitution, a Law on the Protection of Rights and Interests of Women was specifically drafted, and amended in 2005, to further strengthen the safeguarding of women's rights and interests with respect to politics, culture and education, labour and social security, property, their persons, and marriage and the family.

11. **The right to work and the right to favourable conditions of work**. The State already guarantees its citizens equal treatment in employment as well as the right to choose

their own jobs; it also undertakes a variety of measures to develop the economy, create job opportunities, provide job skills training, broaden the scope of employment for workers, and improve their conditions of work. The Chinese Constitution lays down principles regarding workers' right to work and the protection of their rights and interests. The Labour Law, the Labour Contract Law, the Production Safety Law, the Trade Union Law and the Law on Promotion of Employment fully embody the spirit of the Constitution in clarifying and giving concrete form to these rights.

12. **Trade union rights**. China fully guarantees the right of employees to participate in and organize trade unions. When it ratified the Covenant in 2001, China entered a reservation regarding trade union rights, deciding to interpret article 8, paragraph 1 (a) of the Covenant in accordance with the relevant provisions of the Constitution, the Labour Law and the Trade Union Law. Article 7 of the Labour Law stipulates that workers shall have the right to participate in and organize trade unions in accordance with the law, and that trade unions shall represent and safeguard the legitimate rights and interests of workers and independently conduct their activities in accordance with the law. Article 3 of the Trade Union Law stipulates that all workers doing physical or mental work in enterprises, public institutions and government organs within the territory of China who earn their living primarily from wages shall have the right to participate in and form trade union organizations in accordance with the law, regardless of their nationality, race, gender, occupation, religious belief or educational level. No organization or individual may hinder or restrict them from doing so.

13. **The right to enjoy social security and an adequate living standard**. The Social Insurance Law, promulgated in 2010, required the State to set up a basic social security system. The provisions regarding rights to material assistance from the State and society at large as stipulated in the Constitution were implemented through the drafting of that Law, along with such laws and regulations as the Law on the Protection of Disabled Persons, the Regulations on Subsistence Security for Urban Residents, the Regulations for the Rural Five-Guarantees Subsistence Programme, the Regulations on the Relief of Natural Disasters, and the Opinions on Implementing Rural Medical Assistance, and the first steps toward setting up a social security system centred on social insurance, social relief, social welfare, and social assistance as its main elements were taken.

14. **Protection of the Family**. Chinese citizens' freedom to marry is protected under the law. China adheres firmly to freedom of marriage, and implements a marriage system characterized by monogamy and gender equality, upholding amicable domestic relations and forbidding multiple marriages and domestic violence. The Labour Law, the Labour Contract Law, the Law on the Protection of Rights and Interests of the Elderly, and the Law on the Protection of Minors all contain provisions regarding the protection of special groups like the elderly, women workers and minors. In 2012, China amended the Law on the Protection of Minors and the Law on the Protection of Rights and Interests of the Elderly, further safeguarding the lawful rights and interests of those groups.

15. **The right to health**. China attaches importance to the physical and mental health of its citizens. It is committed to improving their physical and psychological health through the provisions of the Constitution and the Law on Prevention and Control of Occupational Diseases, and has drafted separate laws on contagious disease prevention in order to prevent, control, and eliminate their occurrence and development, thereby safeguarding personal health and public health. The prevention and treatment of occupational illnesses and psychological disorders were further strengthened with the amendment of the Law on Prevention and Control of Occupational Diseases in 2011 and the introduction of the Mental Health Law in 2012.

16. **The right to education**. To guarantee citizens' right to education, China has created a legal system based on the principles of the Constitution and centred on the Education

Law, and including the Compulsory Education Law, the Vocational Education Law, the Higher Education Law, the Non-State Education Promotion Law, the Regulations on Academic Degrees, and the Teachers Law, as well as a series of other laws and statutes.

17. **The right to take part in cultural life and to enjoy the benefits of scientific progress**. China's Constitution, the General Principles of the Civil Law, and the Law on Progress of Science and Technology set guidelines regarding citizens' rights to take part in cultural life and to enjoy the benefits of scientific progress. The Patent Law and the Copyright Law were amended in 2009 and 2010 respectively, further promoting the ability to innovate and the protection of copyright, while the amendment of the Trademark Law in 2013 strengthened protections for owners of trademarks.

18. **Issue of the disputability of rights under the Covenant**. China consistently abides by the principle that treaties must be honoured, and strictly and conscientiously fulfils its international treaty obligations as stipulated in the International Covenant on Economic, Social and Cultural Rights. However, under the customary practice by which international treaties are applied in China, Chinese courts cannot directly cite international human rights agreements as legal authority when trying cases involving the economic, social and cultural rights of citizens; rather, they apply the content of those agreements once it has been transformed into domestic legislation via the legislative process. China consistently attaches importance to its citizens' economic, social and cultural rights; specific, detailed provisions regarding the economic, social and cultural rights that Chinese citizens should enjoy are contained in many Chinese laws and regulations, which also stipulate corresponding legal liability for infringement of those rights. Thus a complete system of domestic legislation consistent with the requirements of the Covenant has come into being. When trying cases involving the economic, social and cultural rights of citizens, the people's courts apply Chinese law, and are able to provide effective protection for the those rights, thus ensuring that the spirit of the Covenant is realized.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 1 – Obligation to take steps to the maximum of available resources

Question 4: Please provide information on effective measures taken by the State party to combat corruption in the context of maximizing resources available for the promotion and enjoyment of economic, social and cultural rights.

19. The Chinese Government has from the very start been fully conscious of the dangers of corruption and has consistently and clearly fought against it. At the same time it has, in the promotion of anti-corruption activities, attached importance to promoting and protecting the people's economic, social and cultural rights. In this connection, it has taken the following steps:

20. (a) *Emphasizing a solid basis for stemming corruption and promoting honesty in education*. The Chinese Government has steadfastly developed education for civil servants on professional ethics and integrity in government, promoting in them the values of practicality, honesty and service to the people, while at the same time more strongly inculcating anti-corruption sentiment throughout Chinese society, upholding the public good and strengthening the people's awareness of defending their own rights and interests as well as of the concepts of honesty, integrity and compliance with the law.

21. (b) *Working to rectify pernicious practices that are harmful to the public interest.* Rectification of such practices is the main element in combating corruption. In certain localities and government departments, a series of specific corrective measures have been taken to target these detrimental behaviours. When such problems have arisen in relation to the expropriation of land in rural areas, demolition of houses in urban areas, restructuring of State-owned enterprises, sales of medication and the use of medical services, specific investigations have been undertaken, and other corrective measures have been implemented to defend the vital interests of the people and to uphold their lawful rights and interests.

22. (c) *Resolutely punishing corruption in accordance with the law.* Where there is a case of suspected corruption, it must be investigated; where there has been corruption, it must be punished, for "big fish" and "small fry" alike. Cases involving high-placed cadres who have violated rules and laws are resolutely investigated and handled, and questions involving corruption among the general public are also effectively investigated and dealt with. Corrupt individuals are severely punished, thus addressing social concerns and upholding social justice.

23. (d) *Increasing openness.* Openness in party and government affairs and in various fields is actively pursued and constantly improved. Openness is practiced in decision-making, management, the provision of services and the description of outcomes. This allows the people to exercise their right of oversight and to do so in the light of day, thus enhancing transparency and upholding their rights to be informed and to participate.

24. (e) *Giving full play to the people's oversight.* Practical, positive steps have been taken to strengthen the collection, research and assessment and handling of information on cases involving corruption revealed through expressions of public opinion on the Internet, to improve the legal and regulatory framework for websites receiving reports of corruption and ensure that the mechanism for receiving reports and the way clues are utilized in the feedback system for such websites is sound. More convenient, quick and unimpeded channels have thus been provided for the people to exercise their right of oversight and to defend their own rights and interests.

Article 2, paragraph 2 – Non-discrimination

Question 5: Please provide information on steps taken and their impact to address de facto discrimination based on a person's birthplace and urban or rural status, especially for internal migrants, due to the national household registration system (hukou), in particular regarding access to employment, social security, public health services and education. Please also provide information on the status of the proposed reform of the hukou system.

25. Household registration administration is a fundamental part of social administration. Its basic function is to verify citizens' status by managing the registration of basic information about them, and thereby provide the fundamental materials required for public services and social administration. Since the period of reform and opening up, the Chinese Government has taken a series of policy decisions to promote urbanization and the reform of the household-registration system. These have included in particular the issuance in 2011 of Notice of the General Office of the State Council on Actively and Steadily Promoting the Reform of the Administration System for Household Registration, which clearly sets out a pattern to follow as urbanization progresses, along with integrated plans for promoting industrialization and the modernization of agriculture, for urbanization, for building the new socialist countryside and for the coordinated development of large, medium-sized and small cities and small towns. It promotes the development of non-agricultural industries, with an orderly migration of people from rural areas to small and medium-sized cities and new towns, so as to gradually address the settlement needs of eligible rural people and to

provide basic services on a progressively more equal footing in rural and urban areas. The document also provides rules clarifying, by category, household-registration transfer policies for large, medium-sized and small cities and small towns, safeguarding the land rights of rural people in accordance with the law, and working to resolve the substantive problems of rural migrant workers. All districts and related departments conscientiously carry out the policies set by the central Government, closely integrating them with practice and actively seeking out ways to make them work, and are achieving good results.

26. The Government is committed to establishing a sound employment system with equality between rural and urban areas. At this stage, policy restrictions blocking the employment of rural workers have generally been removed and have been replaced by a nationwide employment system with equality for rural and urban workers. Rural workers already enjoy free employment mobility, and they freely choose their employment. At the same time, on the basis of integrated rural and urban employment pilot projects, a nationwide employment promotion system has essentially been set up for rural and urban workers alike, integrating the question of their employment into overall government planning, effectively improving conditions for rural workers arriving in urban areas. A four-tier system of public employment services has now been established throughout the country at the city, district (county), subdistrict (small town) and neighbourhood (administrative village) levels. It provides all workers, including those from rural areas, with employment information, policy advice, occupational guidance and placement services, free of charge. The public employment service works on the "three-in-one" model at each level, vigorously promoting training, employment services and the defense of legal rights for rural workers; it actively initiates labour cooperation, builds the labour base and cultivates the labour brand, thus promoting the development of labour-economy industrialization. Under the "Spring Breeze" campaign, specific recruitment and policy information activities of various types have been periodically organized throughout the country since 2005, to assist rural workers leaving home to seek employment. Rural workers are encouraged to return to their villages to set up businesses. Entrepreneurial training sessions are held for those returning home who have an entrepreneurial outlook and who have the conditions required to start a business. A "one stop" business start-up service has been set up to meet the needs of those establishing businesses.

27. In recent years, China has stepped up the pace of development of social insurance. A framework for pension insurance coverage of urban and rural workers has already basically been established, protecting the rights and interests of all groups, including migrant workers, in respect of pension insurance. China's Social Insurance Law provides that workers shall participate in basic pension insurance and the basic pension insurance premiums shall be paid jointly by the employing entities and the workers, and that rural residents working in urban areas shall participate in social insurance in accordance with the provisions of the law. According to the provisions of relevant State policies, employees of all kinds of urban enterprises, including migrant workers holding fixed-term contracts, are all obliged to take part in employees' basic pension insurance, and employers must complete the insurance premium payment procedures for migrant workers. Migrant workers who have come from other provinces and are taking part in insurance may, in accordance with the regulations, complete procedures for the transfer of their pension plans so that after retirement they can, as provided for in those regulations, receive payments under basic pension insurance. The Interim Measures on the Transfer and Continuation of Basic Medical Security Relationships for Persons Migrating for Employment, issued in 2009, stipulate that when employees domiciled in rural areas have stable employment relationships with employers in urban areas, they can take part in the basic staff medical insurance of the place of employment. Other migrants may voluntarily choose to take part in the new rural cooperative medical care available at their places of registered domicile or in the basic medical insurance of the city or town where they work. This has resolved the

problem of how to transfer and continue medical coverage, a problem caused by labour migration mainly by rural workers, but also by various types of urban and rural people who move in search of employment, and has upheld the legitimate rights and interests of insured persons.

28. The Chinese Government established the New Rural Cooperative Medical System (NRCMS) to provide rural residents with basic medical coverage. By 2013 some 802 million people were taking part, representing a participation rate of 99 per cent. In 2010, work began on a pilot NRCMS medical-security programme for critical illnesses, with 20 types of diseases, such as childhood acute leukæmia and congenital heart ailments, included in the scope of the pilot. A medical-insurance pilot programme for serious illnesses was launched in 2013.

29. One measure taken to ensure that the children of rural migrant workers in cities receive an education involves promoting school attendance in urban areas by children whose household registration is rural. As early as 2003, the Opinion on Providing Better Compulsory Education for Children of Rural Workers Who Have Migrated to Cities for Employment clearly advocated a "Two Priorities" policy that prioritizes not only the administrative function of local governments in areas of migrant inflow but also full-time State-run primary and secondary education, promoting the concept that the children who accompany migrant workers should receive their compulsory education in those areas of inflow. In 2012 there were some 13.94 million children of migrant workers enrolled in compulsory education throughout China, with about 80 per cent in State-run schools. Where State-run schools are unable to meet demand, measures are taken to purchase the services of non-State-run schools to ensure that the children of migrant workers receive their compulsory education. Another measure is the serious effort being made to allow students whose household registration is rural to sit school entrance examinations in the areas to which they have migrated. In 2012 the General Office of the State Council issued an Opinion on Enabling Participation in Local Post-Compulsory Education Matriculation Examinations for Children Accompanying Workers Who Have Migrated to Cities. So far, 30 provinces, districts and cities have publicly announced plans to implement this Opinion. In 2013, children of migrant workers were able to take local secondary school examinations in 26 provinces, and 4,440 children of migrant workers met the requirements to sit local university entrance examinations in 12 provinces (the majority of the provinces plan to begin this policy in 2014); 2,770 gained admission, for an admission rate of 62.4 per cent. Of those admitted, the household registration of 66 per cent of the students was rural.

30. Moreover, to further promote reform, China made a policy decision in 2012 to "accelerate the reform of the household registration system, promote the orderly urbanization of the rural migrant population and make efforts to achieve full basic public-services coverage for persons living in cities and towns". The 2013 Report on the Work of the Government of the State Council further proposed "accelerating the reform of the household registration system, the social administration system and related systems, promoting orderly urbanization of the rural migrant population and gradually extending basic public services coverage to residents of cities and towns, so as to create an egalitarian environment, where people can enjoy freedom of movement and live and work in peace and contentment". In November 2013, China once again clearly proposed innovation in population management and acceleration of the reform of the household registration system, the full liberalization of settlement restrictions in towns and small cities, the orderly liberalization of settlement restrictions in medium-sized cities, the rational definition of conditions for residence in large cities and the strict control of the scale of the population in very large cities. In the light of the requirements issued by the central Government, the relevant authorities are now studying policy opinions on a reform of the household registration system adapted to the changes occurring as urbanization develops, and they are promoting the establishment and implementation of a residence permit system.

Question 6: Please provide information on steps taken to prevent and combat discrimination against persons living with HIV/AIDS, including refusal to extend hospital care, rejection of AIDS orphans by schools and difficulties in accessing welfare benefits.

31. In 2012 the National Health and Family Planning Commission issued the Circular on Improving Medical Services for AIDS Patients and Persons Infected With HIV, calling for health administration departments at all levels and medical institutions of all levels and types to further strengthen the relevant medical services for such persons, and putting forward clear requirements: first, implementing the "Four Frees and One Care" and the "Five Expansions and Six Strengthenings" policies and attaching a high degree of importance to providing medical care for AIDS patients and people infected with HIV; second, building capacity at designated AIDS-care hospitals and improving the level of medical services; third, implementing a system of clear responsibility in which it is strictly prohibited to shun people living with HIV/AIDS or to deny them care; and fourth, strengthening the training of medical staff and ensuring on-the-job protection and infection control at hospitals.

32. In 2013 the National Health and Family Planning Commission issued the Circular on the Submission of the List of Designated AIDS Hospitals, calling on health and family planning administrations at all levels to set out specific conditions, in line with the relevant requirements, for hospitals to provide antiretroviral therapy and dispensary treatment for AIDS patients and persons infected with HIV; to provide information to the public on designated hospitals through the Internet, the media and the "12320 health hotline"; and to require the designated hospitals to conscientiously implement a responsibility system for initial diagnoses and to strictly prohibit shunning or denying care to AIDS patients and persons infected with HIV.

33. The Chinese Government attaches great importance to defending the right to education of children affected by AIDS. In 2011 the Ministry of Education and the former Ministry of Health issued a joint Opinion on Further Strengthening HIV/AIDS Prevention Education in Schools, clearly requiring the defence of the lawful rights and interests of children affected by AIDS in receiving an education. First, a working mechanism was set up, requiring education departments and schools, under the unified leadership of local governments and in close cooperation with the health and civil authorities, to use a variety of ways and means conscientiously to implement the policy of protecting children affected by AIDS. Then a financial assistance policy was implemented to provide an overall solution for the financial-assistance problems of children affected by AIDS for students from poor households at the pre-school, compulsory, senior middle and higher education levels, ensuring that such children are not prevented from attending school or forced to drop out because of family financial difficulties. Finally, the defence of the rights and interests of such children is being emphasized. In the education process, importance is placed on protecting the privacy of children affected by AIDS, on strengthening a humanistic approach to the students and on providing them with counselling so as to promptly address the psychological problems and academic difficulties that they encounter. Guidance is provided to other students so that they treat children affected by AIDS as they would anyone else. Parent-teacher meetings and "Children Lead Their Parents" events are used to fully inform parents about AIDS prevention and the relevant national policies against discrimination, thus reducing fear of AIDS and fear of and discrimination against people infected with HIV and AIDS patients.

Question 7: Please provide information on steps taken to address the underrepresentation of persons belonging to ethnic minorities in public administration at all levels, as well as in the police force and the military.

34. The Chinese Government has always attached great importance to the training and selection of ethnic minorities to serve as government officials and has taken steps for their targeted recruitment, education and training, and cross-functional training in or rotation into government and party posts. It makes efforts to train ethnic-minority officials and it actively supports the important role played by them in fully protecting the legitimate rights and interests of ethnic-minority peoples. The proportion of public service posts held by members of ethnic minorities is currently greater than the proportion of members of ethnic minorities in the overall population. Each ethnic group has its own officials, and no problem of insufficient representation exists.

Article 3 – Equal rights of men and women

Question 8: Please provide information on steps taken to ensure equal representation of women, including those from ethnic minorities, in public and political life, in particular in decision-making positions. Please also provide information on steps taken to address the persistent wage gap between men and women.

35. The Chinese Constitution and the Law on the Protection of Rights and Interests of Women clearly stipulate that women enjoy equal rights with men.

36. To promote the participation of women in national administration, public administration and decision-making on a broader scale and to a greater degree, China has drawn up and is implementing the 2011–2020 Programme for the Development of Chinese Women, along with rules for the training and selection of women cadres, and has put forward the following objectives: first, actively motivating the parties concerned to gradually increase the proportion of women representatives in the National People's Congress, in the local People's Congresses at all levels, and in the Chinese People's Political Consultative Conference, as well as in the Standing Committees of the National People's Congress and the Chinese People's Political Consultative Conference; second, ensuring that there is at least one woman in local-government leadership at the county level and above, and gradually increasing their numbers; third, gradually increasing the number of women from current base levels at State ministries and commissions and in the leaderships of government working departments at the provincial, district and municipal levels and at city, locality and league levels; fourth, gradually increasing the number of women cadres working in principal positions as a proportion of the overall number of cadres working in principal positions in the leaderships of local governments and working government departments at the county level and above; fifth, gradually increasing the proportion of women members of company boards of directors and supervisory bodies; sixth, gradually increasing the proportion of women representatives on workers' councils, staff assemblies and academic faculty assemblies; seventh, bringing the proportion of women representatives to at least 30 per cent in village committees, with at least 10 per cent of the heads of village committees being women; and eighth, maintaining the proportion of women representatives at around 50 per cent in neighbourhood committees.

37. An additional objective is to clearly establish primary goals for women's participation in decision-making and management. There should be at least one woman cadre in the membership of the party committees, peoples' congresses, governments and the people's political consultative conferences at the levels of the provinces, autonomous regions, municipalities and cities (including cities, localities and leagues); at the National People's Congress, the proportion of female representatives cannot be less than 22 per cent, and there should be a set proportion of female members of village and neighbourhood

committees. Strategies and measures should be drawn up and implemented to ensure women's participation in decision-making and management, so as to offer women an opportunity to compete on an equal footing therein. In equal circumstances, priority should be given to the selection of women cadres, and the preparation and selection of outstanding young women cadres should be strengthened. The training of women cadres should also be strengthened, and the role of women in social development should be publicized. A national structure to protect women's rights and interests should be set up, so as to promote an organizational structure for their participation in government and politics. Full use should be made of the advantageous, close relationship between the All-China Women's Federation and women in all walks of life, so as to understand women's views, hear their voices, and broaden the channels for democratic recommendations, democratic participation, democratic management and democratic oversight.

38. The Chinese Government's unstinting efforts have raised the levels of women's participation in decision-making and management. At the Twelfth National People's Congress there were 699 women delegates, representing 23.4 per cent of the total number, or 2.07 percentage points higher than at the previous Congress. At the Twelfth Chinese People's Political Consultative Conference there were 399 women delegates, 17.8 per cent of the overall number, or 0.8 percentage points higher than at the previous Conference. At the Eighteenth National Congress of the Communist Party of China there were 2,270 representatives, 521 of whom were women, or 22.95 per cent of the total, 2.9 percentage points more than at the previous Congress. The proportion of women in the leaderships of local governments and of government working departments has been gradually rising. The participation of women in government has constantly improved at the grass-roots level as well. In over 90 per cent of villages, women are members of the local party committees and village councils, and in some provinces there are women among the members of all such bodies.

39. Women in ethnic minorities in China enjoy the same rights as men in respect of participation in government and other matters. Article 48 of the Constitution states that "Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, social and family life." The Law on the Protection of Rights and Interests of Women and the Law on Regional National Autonomy respectively bring together, in single enactments, provisions addressing all aspects of the protection of women and ethnic-minority rights. The Chinese Government actively encourages the respective ministries to make serious efforts to prepare ethnic-minority women as cadres and to ensure that they enjoy equal participation in public and political life. At present, the proportion of women among ethnic-minority public servants is greater than the proportion of female public servants overall, and a large group of outstanding ethnic-minority women cadres is now assuming leadership positions, with some becoming leaders at the provincial level.

40. In 1990, China ratified the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization, and the implementing legislation for the Convention confirmed the principle of equal remuneration for men and women. The Chinese Constitution stipulates that the State shall protect the rights and interests of women and ensure equal remuneration for men and women. Article 23 of the Law on the Protection of Rights and Interests of Women stipulates that men and women shall be entitled to the same remuneration. Men and women are given equal treatment in the allocation of housing and in the enjoyment of benefits. Article 46 of the Labour Law stipulates that the distribution of wages shall follow the principle of distribution according to performance, and implements equal pay for equal work. In accordance with the provisions of these laws, China has implemented a number of effective legal guarantees to ensure that men and women receive equal pay for equal work: 1) ensuring that men and women receive equal pay for work of equal value in the State public service wage scale system; 2) ensuring equal opportunities

for men and women in promotion, advancement and recruitment for professional and technical positions; 3) ensuring that in the labour contract system, remuneration for the work done is the main factor in the contract of employment, and that the system ensures that men and women have equal entitlements to remuneration; 4) ensuring that women and men have equal rights in respect of rating or ranking employees and obtaining secure posts; 5) ensuring, in implementing financing systems of all kinds, that women have the right to receive financing and that no work unit or person reduces access to financing for female workers or employees on the basis of their gender; 6) ensuring that when women receive benefits, they do so on an equal footing with men and that the benefits are not reduced on the basis of their gender; and 7) in the system of rewards and penalties, making sure that women's salaries are not arbitrarily withheld.

41. In addition, the Programme for the Development of Chinese Women for 2011–2020 also includes the aims of reducing the gaps in non-farm employment rates and income between men and women, and of comprehensive implementation of equal pay for equal work among men and women. The Programme establishes a sound, scientific and rational system for income distribution, whereby workers doing the same work are paid the same amounts and receive the same credit for their labours, and employers pay equal remuneration for the work that is done.

Question 9: Please provide information on steps taken to guarantee land tenure for women, in particular women relying on agriculture for their subsistence.

42. Land is essential for farmers' survival. In recent years, the Government and all sectors of society have attached great importance to the issue of rural women's land rights and interests. The State has taken a series of measures to guarantee rural women's economic rights and interests, such as adopting and reforming a series of laws, regulations and policies, including the Law on Land Contract in Rural Areas and the Law on the Protection of Rights and Interests of Women. The Ministry of Agriculture has issued regulations and standards on the administration of land contract rights and on the monitoring and administration of compensation payments for requisitioned land, so as to guarantee that women enjoy equal land contract rights. The All-China Women's Federation and the Ministry of Agriculture have jointly launched a pilot project to safeguard women's land contract rights by establishing their right to register for land contract certificates. The All-China Women's Federation and the Ministry of Civil Affairs are working to expand local efforts to amend village regulations concerning gender awareness in society, encouraging local governments in rural areas to repeal provisions that discriminate against women or deprive them of the economic benefits provided by the land, and ensuring that women enjoy land rights and interests on an equal footing with men. In addition, various regions have established a four-pronged system to better monitor the allocation of compensation payments for requisitioned land. This system comprises special accounts for depositing compensation payments for requisitioned land, special accounting measures, specialized audits and financial disclosure. Law enforcement agencies give priority in their inspections to resolving land contract issues reported by rural women. Cases involving land contract management disputes are given careful consideration by the courts or mediated in accordance with the law.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

Question 10: Please clarify whether the official urban unemployment rate includes categories such as unemployed internal migrants, laid-off workers, unemployed college graduates, as well as men older than 60 years of age and women older than 50 years of age. Please also provide information on steps taken, including under the 2007 Employment Promotion Act, to address the high rate of unemployment among persons belonging to ethnic minorities, as well as their impact.

43. Currently, the rate announced by the Government of China is the urban registered unemployment rate, which is defined as the number of urban registered unemployed persons at the end of the reporting period, expressed as a proportion of the total sums of urban employed and unemployed persons at the end of the period. These figures include urban unemployed persons who voluntarily register as such with the public employment service agencies. Urban registered unemployed persons are primarily local residents of urban areas who are of legal working age, are capable of working, are seeking employment, are in a state of unemployment, and have registered as unemployed with the public employment services and the talent exchange services. Of these, persons of urban household registration who do not have any employment history should register in their place of household registration; rural migrant workers seeking employment in cities and other persons of non-local household registration who have been steadily employed in their current place of residence for a full six months may register in their current place of residence after becoming unemployed. Thus, the number of urban registered unemployed persons includes unemployed rural migrant workers, laid-off workers, unemployed college graduates and elderly unemployed persons who do not yet receive basic pension insurance.

44. Statistical data on the number of urban registered unemployed persons in China are not currently disaggregated by ethnicity, sex and other characteristics. However, the relevant government departments' understanding of the situation indicates that the employment situation for ethnic minorities in China is relatively favourable; their situation is stable and is no different from the employment situation of the main ethnic group, nor is there a high rate of unemployment. In order to better protect the employment rights and interests of workers from ethnic minorities and to promote their employment and employment stability, the Law on Promotion of Employment clearly stipulates: "When an employer recruits employees, it shall give appropriate consideration to workers of ethnic minorities." The relevant government departments and regions actively implement legal provisions and effectively carry out work focusing on the employment of college and university graduates from ethnic minorities and other key population groups, providing ethnic minorities with better opportunities and conditions than those enjoyed by the main ethnic group and effectively protecting their employment rights and interests. The Government has implemented a number of targeted support measures, particularly to promote the employment of college and university graduates belonging to ethnic minorities. One such measure is that of increasing the scope of policy support. The State Council has issued a document requiring those provinces that have undertaken pairing assistance projects with Tibet, Qinghai, and Xinjiang to include employment-seeking local college and university graduates from those areas in their employment assistance policies, and requires central and State-owned enterprises that have undertaken pairing assistance obligations in those areas to incorporate the active recruitment of local graduates in their construction aid projects. A second measure is that of strengthening employment services. In recent years, the Ministry of Human Resources and Social Security, together with the Ministry of

Education and central and State-owned enterprises affiliated with the State-owned Assets Supervision and Administration Commission, has organized three specialized recruitment activities targeting college and university graduates from Xinjiang, Tibet and Qinghai, in order to provide information on employment opportunities to those belonging to ethnic minorities. A third measure is that of conducting paired training programmes for college and university graduates belonging to ethnic minorities in Xinjiang. The Ministry of Human Resources and Social Security has organized a series of on-the-job training programmes through pairing assistance in Xinjiang, benefiting more than 20,000 local college and university graduates who were not yet employed, and the majority of those graduates have found employment.

Article 7 – The right to just and favourable conditions of work

Question 11: Please provide information on steps taken to ensure that minimum wages determined by municipal and provincial governments are set at a level to ensure a decent living for workers and their families.

45. A mechanism is now in place in China for the regular adjustment of minimum wage standards. In accordance with the Regulations on Minimum Wages, which state that minimum wage standards must be adjusted at least every two years, all local governments steadily and prudently adjust minimum wage standards on the basis of factors such as the local level of economic development, the prevailing average wage and the urban consumer price index.

46. In accordance with the target clearly set out in the Twelfth Five-Year Plan, which states that the minimum wage standard should be increased by more than 13 per cent per year on average and that minimum wage standards in the vast majority of districts should reach more than 40 per cent of the average salary earned in local urban areas, localities have made larger and more frequent increases in minimum wage standards in accordance with local circumstances. The number of districts that adjusted the local minimum wage standard was 25 in 2011, 25 in 2012 and 27 in 2013, with an average increase in those years of 16.3 per cent, 14.7 per cent and 14.4 per cent respectively; this exceeded the increase in the urban consumer price index during the same period, thereby accelerating the constant increase in the wages of low-income workers and better ensuring that the basic needs of workers and their families are met.

Question 12: Please provide information on steps taken to address abusive labour conditions, such as non-payment of wages, injuries and death, and instances of absence of medical and accident insurance. Please specify which measures are in place for the protection of rural migrants, in particular those employed in the construction sector.

47. **Ensuring that wages are paid**. The main measures taken to set practical rules for the payment of wages, broaden the scope of wage-payment guarantees, and effectively settle arrears of wages owed to rural migrant workers and further safeguard their lawful rights and interests, are as follows: first, actively coordinating with the judicial authorities to implement the provisions of Amendment (VIII) to the Criminal Law establishing the offence of refusing to pay remuneration for labour, enhancing deterrence against the non-payment of wages in bad faith, and effectively curbing practices related to the non-payment of wages, such as absconding to avoid paying wages owed. Second, establishing a long-term mechanism to ensure the payment of wages by enterprises, providing guidance to local governments on the universal establishment of a wage security deposit system in the construction sector (where non-payment of wages is a common problem), exploring the possibility of establishing an emergency revolving fund in cities and counties where the

non-payment of wages has been most common in recent years, and establishing a system whereby general contracting companies in the construction sector are responsible for settling arrears of wages owed by their affiliated subcontracting companies. Third, increasing the scope of publicity to raise awareness about the payment of wages to rural migrant workers in accordance with the law and vigorously encouraging employers to fully carry out basic aspects of labour management, such as signing contracts, enrolling in insurance schemes and guaranteeing wages. Fourth, strengthening regular monitoring, law enforcement and special inspections regarding companies' payment of wages, increasing the scope of troubleshooting of potential conflicts over wage payments to rural migrant workers, and working together with various ministries to carry out joint specialized law enforcement activities and large-scale inspections of wage payment, primarily targeting wages owed to rural migrant workers employed in the construction industry. The 2004 Circular Transmitted by the General Office of the State Council to the [former] Ministry of Construction and Other Departments Concerning Further Resolution of the Issue of Project Fund Defaults in the Construction Sector clearly set out the obligation to pay wages owed to rural migrant workers and stipulated that, in accordance with the principle that responsibility lies with the company that contracts out the work, general contracting companies hold overall responsibility for paying the wages of rural migrant workers who perform contract work, while subcontracting companies hold direct responsibility for paying the wages of rural migrant workers who perform subcontracted work. The circular also provided for a strict labour employment system, under which construction companies that employ rural migrant workers must sign employment contracts with those workers, in accordance with the Labour Law and relevant regulations. Employment contracts should clearly specify, inter alia, the duration of the contract, amount of remuneration to be paid, job description, working hours, labour protection, working conditions, wage payment methods and liability incurred in the event of a breach of contract.

48. **Implementing medical insurance, accident insurance and workers' compensation for injury or death**. The Opinion on Establishing and Refining a Labour Subcontracting System and Developing Construction Labour Enterprises issued in 2005 by the [former] Ministry of Construction, stipulated that general contracting companies and specialized contracting companies in the construction sector must apply for social security coverage for their employees. General and specialized contracting companies in the construction sector that directly employ rural migrant workers must sign employment contracts with those workers and apply for social security for them, such as employment injury, medical, or comprehensive insurance. The Circular on Further Strengthening Production Safety in Enterprises, issued by the State Council in 2010, requires that the single payment compensation paid for the death of a worker due to a work safety accident must be adjusted to equal 20 times the national average urban disposable income for the previous year, to be paid to the deceased worker's close relatives. This requirement substantially increased the amount of compensation paid for a worker's injury or death, while also ensuring the payment of a one-time grant to cover the funeral costs and death benefits for the family of the deceased, in accordance with the law. In conjunction with the relevant government departments, the Regulations on Work-Related Injury Insurance were revised to provide statutory clarity on the issue. The Opinion on Further Strengthening Regulation of the Construction Market, issued by the Ministry of Housing and Urban-Rural Development in 2011, stipulate that employers must designate a specific person who is responsible for regularizing and managing, inter alia, employees' identity information, employment contracts, payment of wages, certificates required for employment, work-related injury insurance and accidental injury insurance.

49. **Improving working conditions and enhancing prevention and treatment of work-related diseases**. The following are the main measures taken by the Ministry of Human Resources and Social Security to target illegal behaviour such as forced labour

involving violence, threats or illegal restriction of personal freedom, or hard labour performed in an abusive working environment. First, taking full advantage of "networking" or "grid" management techniques in labour inspections, strengthening early warning and early prediction, monitoring developments among employers in urban and rural areas, and promptly detecting and preventing illegal activities such as forced labour and non-payment of wages by means of assigning responsibility through networked management and sharing information through grid management. Second, initiating specialized law enforcement and monitoring activities focused on labour security supervision, and specific activities carried out with the relevant ministries and commissions to rectify illegal employment and forced labour. Third, introducing a judicial interpretation of the offence of refusing to pay remuneration for labour, issued by the Ministry of Human Resources and Social Security in conjunction with the Supreme People's Court, further improving the mechanism to coordinate law-enforcement monitoring and the administration of criminal justice, as well as further cracking down on the non-payment of wages. Fourth, establishing and enhancing a long-term mechanism for reporting, joint law enforcement and monitoring of developments by the Public Security Bureau, the State Administration of Work Safety and other relevant departments, in order to offer real protection of workers' lawful rights and interests. The 2011 amendments to the Law on Prevention and Control of Occupational Diseases establish clear regulations requiring employers to: create a working environment and working conditions for their employees that comply with national occupational health standards and hygiene requirements; join a work-related injury insurance scheme; and ensure that employees obtain benefits under the work-related injury insurance scheme in accordance with the law. The State Administration of Work Safety, in coordination with the National Health and Family Planning Commission, organized an inter-agency joint conference on the prevention and treatment of work-related diseases, in order to promptly investigate and resolve the main problems encountered in their prevention and treatment. Workers' occupational health is protected by strengthening supervision and law enforcement in relation to occupational health, and urging employers to implement a "Three-Simultaneity" occupational-health protection system, as well as report projects presenting occupational health risks, in accordance with the law on construction projects.

50. **Enhancing safety training for rural migrant workers**. The Decision on Further Strengthening Safety Training issued by the State Council Work Safety Commission in 2012, clearly requires companies to implement a system to certify employees and ensure that they are trained before they begin work, strengthen the ability of that training to provide basic guarantees, and improve its quality. It also requires government departments to strengthen monitoring and inspection of safety training programmes, and requires employers in the mining and construction sectors and companies in high-risk industries, such as those involved in the production, management or storage of dangerous goods, and that depend heavily on production teams, new workers and rural migrant workers, to ensure that by the end of the period covered by the Twelfth Five-Year Plan, 100 per cent of their employees are trained and certified before they start work. In coordination with the Ministry of Housing and Urban-Rural Development, monitoring and law enforcement has been strengthened, and the construction industry, which depends primarily on rural migrant workers, has been encouraged to earnestly implement the relevant laws and regulations on safety training and to improve employees' skills and awareness regarding work safety.

51. **Strengthening industry guidance**. In 2013, the Ministry of Housing and Urban-Rural Development and the State Administration for Industry and Commerce jointly published a model construction project contract (GF-2013-0201), which sets out detailed regulations in its all-purpose provisions on labour protection and work-related injury insurance for construction workers, including provisions stipulating that contractors should guarantee breaks for workers, pay reasonable wages, ensure the safety of construction workers on site in accordance with laws and regulations, and provide labour protection.

Contractors should join a work-related injury insurance scheme in accordance with the laws and regulations and should apply for work injury insurance for all employees under contract with them. The contracting party and the contractor can apply for accident injury insurance and pay insurance premiums for all workers on their construction sites.

Question 13: Please provide information on the status of the process to reform the Re-education Through Labour system and whether this is envisaged as a step leading to the eventual abolition of the system. Please also provide information on the number of children and adolescents who remain detained in Re-education Through Labour camps.

52. On 28 December 2013, the Decision of the Standing Committee of the National People's Congress on Repealing Legislation on Re-education through Labour was adopted at the sixth session of the Standing Committee of the Twelfth National People's Congress. This decision repealed the Resolution of the Standing Committee of the National People's Congress on Approving the Decision of the State Council on Issues Concerning Re-education through Labour and the Decision of the State Council on Issues Concerning Re-education through Labour, as well as the Resolution of the Standing Committee of the National People's Congress on Approving the Supplementary Provisions of the State Council on Re-education through Labour and the Supplementary Provisions of the State Council on Re-education through Labour. This decision has been in effect since its date of issuance.

Question 14: Please provide information on steps taken to ensure that Tibetans, Inner Mongolians, and Uyghurs do not experience de-facto discrimination in their conditions of work, business permits and loans.

53. The Constitution of China clearly stipulates that all nationalities [ethnic groups] in the People's Republic of China are equal, that the State protects the lawful rights and interests of the minority nationalities, and that discrimination against and oppression of any nationality are prohibited. In accordance with this constitutional provision, the relevant laws and regulations contain a series of provisions guaranteeing that members of all ethnic minorities, including Tibetans, Uyghurs and Mongolians, are equal citizens of the People's Republic of China and enjoy all rights on an equal footing in all aspects of public life, including political, economic, cultural and educational aspects. China protects the equal rights of ethnic minorities not only by prohibiting discrimination against them but also by showing them preferential treatment. In view of the fact that ethnic minorities are lagging behind in economic and cultural development, special attention is paid to their economic development and to their enjoyment of cultural and employment rights.

54. With regard to employment, government officials effectively ensure that ethnic minorities enjoy equal rights when seeking employment, paying special attention to hiring practices in autonomous ethnic-minority areas. With regard to economic development, in order to help ethnic minorities and ethnic-minority areas such as Inner Mongolia, Tibet and Xinjiang to speed up economic and social development, China has formulated and implemented a series of support policies, including the establishment of special funds such as a central fund for the development of ethnic minorities and a central grant fund for the education of ethnic minorities. A number of preferential policies are in place, such as preferential interest rates on liquid capital loans and discount interest rates from the central Government for trade by ethnic groups and for companies that produce special ethnic products; discount interest rates on loans to establish ethnic trade counties and ethnic trade branch outlets and to update the technology used by companies that produce special ethnic products; value added tax (VAT) exemption for the production and selling of brick tea; and grant funds for the production of special ethnic products.

55. Taking Tibet as an example, a strategic aspect of the Government's work in Tibet is to ensure that the central authorities show consideration for Tibet and that the whole country supports Tibet. Since 1980, the central authorities have held five conferences on work carried out in Tibet, which have specifically studied development work in that region. Particularly at the fifth central conference on work carried out in Tibet, which was held in January 2010, the Government of China explicitly proposed that the goal of building a moderately prosperous society in all respects in Tibet by 2020 should be steadfastly pursued, and it formulated a series of new preferential policies and safeguard measures related to aspects such as public finance, taxation, banking, investment and the development of social undertakings. From 2011 to 2015, the Government of China invested a total of 330.5 billion yuan in 226 projects to be carried out in Tibet, focusing on key areas such as improving people's livelihood, infrastructure, special industries and the ecological environment. In addition, as always the central Government has encouraged the more developed provinces in the country and major industries to carry out pairing assistance in various parts of Tibet. It also assigns large numbers of cadres to carry out aid work in Tibet and conducts on-site training and drills for those cadres. These measures are prime examples of the benefits of socialism with Chinese characteristics. The rights of the Tibetan people with regard to conditions of work, business permits and loans are afforded the same protection as the rights of other ethnic groups, and there is no de-facto discrimination.

Article 8 – Right to form and join trade unions and right to strike

Question 15: Please provide information on steps taken to ensure that workers can freely exercise their right to form and join trade unions, including outside the control of the All China Federation of Trade Unions. Please provide information on steps taken to ensure that internal migrants can join trade unions.

56. In the long-term process of implementing trade unions in China, a system organized on the principle of combining industry with locality, and the uniform acceptance of the leadership of the All-China Federation of Trade Unions (ACFTU), was gradually established in accordance with the objective requirements of the Chinese workers' movement and the practical realities and development of union work. This unified national trade union organization system is a major characteristic of Chinese trade unions, and is also a concrete manifestation of the unity and solidarity of the Chinese working class with the trade union organization.

57. In recent years, the ACFTU has steadfastly continued to prioritize above all else the protection of the rights organized by the masses of workers, with the working goal of "organizing and effectively safeguarding rights" and promoting the formation of trade union organizations in enterprises across the board in accordance with the law; it is committed to bringing the whole workforce organization, including rural migrant workers and workers seconded to other enterprises, into trade unions, and upholds the right of the whole workforce to organize and take part in the trade union in accordance with the law. The following concrete measures have been taken in this regard:

58. (a) *Implementing a three-year plan for promoting unionization.* Excellent results have been obtained through the timely introduction of the All-China Federation of Trade Unions 2011–2013 Plan for Promoting the Universal Establishment of Trade Unions in Enterprises, under which trade union organizations at all levels, in accordance with the Plan's requirements, assess responsibility for strengthening goals, broaden the scope of publicity and guidance, and fully mobilize their organizations to join forces in the campaign. By the end of 2012, the Federation's organizational coverage extended to some 6,166,700 grass-roots enterprises, including 148,500 foreign-invested or Hong Kong-, Macao- or Taiwan-funded companies; total union membership nationwide had reached 280

million people, of which 104.9 million were rural migrant workers, representing more than 40 per cent of the 260 million rural migrant workers in China.

59. (b) *Launching concentrated actions to promote unionization.* By setting up a corporate legal entity for unionization and developing a database of union members, the ACFTU has successively organized and launched collective unionization actions in the 500 strongest world enterprises investing in China, focusing on unionizing the China headquarters of those companies and promoting the unionization of their subsidiaries elsewhere as well. These concentrated unionization actions are aimed at expanding trade union coverage, using broad surveys, in-depth organization of unionization efforts and completeness of coverage. Concentrated action to unionize workers seconded to other enterprises has cracked the problem of such workers in enterprise unionization and organized their unionization on a large scale. Effort is being concentrated on the unionization of enterprises that have been in operation for more then five years and have more than 50 employees, in a bid to overcome the long-term resistance of such enterprises to unionization.

60. (c) *Emphasizing key areas and targets for encouraging unionization.* The ACFTU has issued documents on strengthening unionization work in development zones and industrial parks, and on organizing the unionization of seconded workers, reflecting its focus on zones of high enterprise concentration and on migrant workers and seconded workers, and expanding the scope and emphasis of its work. Trade unions everywhere are actively drawing on the Wal-Mart experience to strengthen their unionization efforts in industrial parks, exemplified by the trade union organizations which have been set up in Foxconn-invested enterprises in 22 industrial parks in Chongqing, Wuhan, Taiyuan and Langfang. Trade unions have launched concentrated actions to unionize seconded workers in 25 locations including Shanghai and Guangxi. The Shenyang Municipal Federation of Trade Unions in Liaoning province has drafted a template for management contract agreements for seconded-worker trade union members, directing unions in seconded-worker enterprises and other labour-employing enterprises to sign management contracts that accord with the text of the template; this has promoted the full unionization of 149 seconded-worker enterprises throughout the municipality, with the membership fully entrusting labour management to the unions in the labour-employing units. Ways to enrol the great majority of rural migrant workers in trade unions are also being continuously explored, such as "at-source" enrolment of workers (before they leave their home provinces), enrolment from the labour market, and enrolment prior to formal organization and export of labour.

61. (d) *Creating new organizational models for promoting unionization.* Trade unions at all levels are striving to broaden the experience gained from the "Dual Measures, Secondary Coverage" unionization strategy and crack the problem of unionizing small and very small non-public enterprises. On the one hand, much effort is being put into promoting the recruitment of socially-aware trade unionists and to resolving the issue of funding their work according to rank, solidifying the support of the unionization team, and giving full play to the role of socially-aware trade unionists in publicizing trade unions, facilitating enterprise unionization, and mobilizing and assisting employees to join trade unions. On the other hand, efforts are under way to reinforce the establishment of regional, industry-based trade-union federations in an orderly expansion of trade-union coverage of small and very small non-public enterprises on the principles of geographic proximity and industrial similarity. By the end of 2012, some 18,400 grass-roots trade-union federations had been established throughout China by region or by industry, covering 169 million employees.

62. (e) *Improving the quality of trade union promotion.* The quality of trade union promotion is improved by defending the inherent requirements of the democratic-political, labour-economic, and other rights and interests of the masses of workers. The ACFTU

attaches great importance to registering grass-roots trade unions as legal corporate entities, perfecting systems, allocating staff, adding equipment and guaranteeing funding so as to continuously improve the rate of such registration. It is improving its public profile, raising union members' awareness and sense of participation, and guiding grass-roots democratic elections of trade-union chairpersons, to keep a firm grasp on the leadership of the trade unions at the grass-roots level. It is enhancing the building of democratic systems in grass-roots trade unions, providing guidance on a broad range of member evaluation activities at the grass-roots level, and continuously reinforcing the vitality of trade union organizations. It is strengthening the building of regional grass-roots trade union federations, and gradually resolving the difficulties of non-public enterprise trade unions in safeguarding the rights of workers. By means of "establishing trade unions at the source, management entrustment, and bidirectional rights protection", it is gradually resolving the difficulties of protecting the rights of seconded workers. By means of strengthening collective labour-management negotiation, employment services, training and assistance, it is working hard to protect the lawful rights and interests of rural migrant workers. By means of implementing "clear identification of the enterprise trade union and its leadership", it is further motivating enterprise trade unions to serve the working masses, and fostering enthusiasm and initiative in the protection of the lawful rights and interests of employees. And by means of motivating enterprise trade unions to implement their members' rights to be informed, to participate, elect their leaders and supervise union affairs, it is making the trade union organization into a true and trusted home for the working masses.

Article 9 – The right to social security

Question 16: Please clarify which steps are taken to ensure universal access to social security, and to ensure that rural residents receive the same amount of benefits as those in urban areas, in particular for basic health care and old-age pension. Please provide information on steps taken to increase awareness of social security and assistance benefits, in particular in rural areas.

63. The Chinese Government has taken the following measures in this regard:

64. (a) *Improving the basic old-age pension insurance system for urban employees*. One aspect of this process is the continuous strengthening of the legislative framework: the Social Insurance Law was promulgated under Presidential Order no. 35 of 28 October 2010, which clearly stipulated that the law would take effect as of 1 July 2011 and unveiled a set of pension insurance policies connected with the implementation and enforcement of the Social Insurance Law. Another aspect is the continuous expansion of the scope of coverage: the system covers various types of urban enterprises and their employees, privately or individually-owned businesses, and persons engaged in flexible employment. By the end of 2012, a total of 303.79 million people were participating in pension insurance nationwide, of whom 74.01 million were retirees. A third aspect is the implementation of unified measures for transferring and continuing enterprise employees' basic pension insurance relationships from province to province nationwide, fostering normal and reasonable labour mobility. A fourth aspect is steady improvement in remuneration: the State makes timely adjustments in basic pension payments for enterprise retirees on the basis of economic and social development levels, rising employee salaries, and levels of inflation. The State has made four such annual adjustments since 2010, increasing the per-capita monthly average retiree pension payment from 1,246 yuan renminbi in 2009 to 1,900 yuan in 2013.

65. (b) *Establishing pension insurance systems for urban and rural residents*. In 2009, the Chinese Government decided to pilot a new form of rural social pension insurance, setting up a new rural insurance system combining individual payments, collective

assistance and Government subsidies, and covering persons 16 years of age and older (not including enrolled students) and residents of rural areas who did not fall within the purview of basic employee pension plans. In 2011, it began work on a pilot pension insurance programme for urban residents, also for persons 16 years of age and older (not including enrolled students) and residents of urban areas who did not fall within the purview of basic employee pension plans. These new rural and urban insurance schemes were launched in all county-level administrative regions throughout the country in 2012, filling in the last gap in the implementation of full pension insurance coverage; the coverage of urban and rural residents in China by the social pension insurance system is now essentially complete. Regardless of whether they live in the city or the countryside, residents can choose from a variety of premium levels and enjoy corresponding returns. As of the end of October 2013, some 490.75 million people were participating in the new urban and rural insurance schemes, with 135.2 million of them receiving substantive payments. The design and policy framework (especially the standards for insurance-payment subsidies) of the new rural and urban insurance systems are basically the same; both rural and urban eligibility begin at age 60, and minimum basic standard pension payments are uniformly determined for everyone, whether urban or rural, thus ensuring equity and fairness for urban and rural residents alike.

66. (c) *Improving the institutional framework for social assistance.* Since 2010, the Ministry of Civil Affairs, in conjunction with relevant Government departments, has effectively safeguarded the basic livelihood of disadvantaged groups by introducing a series of policy measures refining the qualifications for persons receiving Subsistence Security [minimum living standard or "*di bao*"] allowances, regulating examination and approval procedures, strengthening the dynamic administration of recipients of such allowances, exploring mechanisms for checking residents' household economic conditions, establishing and perfecting standards for social assistance and linkage mechanisms ensuring that allowances are keyed to inflation, and bolstering the implementation and monitoring of policies in these areas. In September 2009, the State Council introduced the Opinions on Strengthening and Improving Work on Subsistence Allowances, providing basic principles for current and future scientific development in that sphere. The Ministry of Finance and the Ministry of Civil Affairs jointly introduced the Measures for the Administration of Urban and Rural Subsistence Security Allowances, and the Ministry of Civil Affairs introduced the Measures for Subsistence Security Verification and Approval (for Trial Implementation), proposing more detailed requirements for improving the administration of subsistence allowance standardization. Furthermore, since 2009, the Ministry of Civil Affairs has deployed expanded mechanisms for verification of residents' household economic conditions in 143 pilot areas in two instalments; as of November 2013, such mechanisms have been set up in more than 30 per cent of regions throughout the country, greatly improving the accuracy with which potential recipients of social assistance are identified.

67. (d) *Upgrading levels of assistance guarantees.* As of November 2013, urban recipients of Subsistence Security assistance totalled 20.701 million nationwide, accounting for 4.4 per cent of the overall non-rural population; their average monthly per capita security standard allowance was 362 yuan, with a monthly per capita subsidy of 243 yuan. Rural recipients of Subsistence Security allowances totalled 53.708 million persons nationwide, or 6.1 per cent of the overall rural population; their average yearly per capita security standard allowance was 2,347 yuan, with a monthly per capita subsidy of 107 yuan. A total of 5.404 million people were receiving Rural Five-Guarantees subsistence support, of whom 1.832 million, or 33.9 per cent, were receiving centralized support; their average yearly per capita security standard allowance was 4,562 yuan for those receiving centralized support, and 3,389 yuan for those receiving non-centralized support. Moreover, medical assistance is gradually being expanded from urban and rural recipients of Subsistence Security assistance and Five-Guarantees assistance to include low-income

persons with serious illnesses, the severely handicapped, and the elderly in low-income households. From January to September 2013, medical assistance was provided in a total of 45.18 million instances throughout China; of these, 12.61 million involved direct assistance and 32.57 million involved assistance through insurance or medical-care cooperatives.

68. (e) *Normalizing the work of the Rural Five Guarantees subsistence programme*. The Chinese Government has enhanced the construction and management of Rural Five Guarantees support-services institutions, organized the implementation of the "Xiaguang Plan" for rural housing construction and support services for the elderly, and invested a cumulative total of 900 million yuan in the Ministry's welfare lotteries and community-chest funding at a corresponding level over the 2006–2012 period, subsidizing the installation of support services around the country and driving a further investment of 9 billion yuan at the local level. By carrying out comprehensive assessment of Rural Five-Guarantees support-services institutions, the quality of the services provided under the programme has continuously improved, and the management of services and levels of support have been significantly upgraded.

69. (f) *Accelerating the boosting of temporary assistance systems construction*. The Ministry of Civil Affairs, working together with other relevant Government departments, is directing local authorities to accelerate their search for ways to resolve the basic living-security problems of expenses and other emergencies faced by needy families. As of the third quarter of 2013, temporary assistance systems had been clearly established in 26 provinces throughout the country, either in the name of the provincial governments or through documents jointly issued by the Ministry of Public Affairs and the Ministry of Finance; temporary assistance was provided for households in a total of 1,761 instances, of which 806,000 were for urban households and 955,000 were for rural households. Moreover, on the eve of the Lunar New Year in 2009, 2011, 2012, and 2013, the central-Government fiscal authorities issued four one-time living allowances to urban and rural recipients of Subsistence Security allowances, recipients of Rural Five Guarantees subsistence support, and other disadvantaged populations, for a cumulative total of 640 million yuan.

70. (g) *Strengthening planning, coordination and capacity-building for social assistance*. The Government is strengthening inter-departmental communication and system interfacing, establishing a nationwide system of joint meetings among social-assistance departments, and guiding local authorities in establishing procedural coordination mechanisms for the work of social assistance departments. It is exploring social assistance capacity-building, directing and motivating local authorities to introduce ways and means of appropriately allocating working personnel on the basis of such factors as the numbers of assistance recipients, and guaranteeing funding for grass-roots social assistance. It is expanding the scope of training for grass-roots social-assistance workers, and promoting full coverage for Subsistence Security information networks; and it is overseeing and prompting local authorities to establish sound long-term mechanisms for supervision and inspection, and exploring ways to develop ways to appraise performance for urban and rural Subsistence Security work.

71. (h) *Strengthening publicity for social assistance policies*. A week of activities publicizing social-assistance policies was held throughout China from 21 to 27 October 2010; with a main theme of "the sunlight of assistance warms ten thousand homes", social assistance policies were widely publicized to the general public through unified deployment and top-to-bottom linkage techniques, with the aid of radio, television, the Internet, newspapers, microblogs, text messaging, community gatherings, display windows and other media resources, launching face-to-face consultation on assistance policy and fully responding to public demand.

72. (i) *Guaranteeing equality in urban and rural security assistance.* With the continuous expansion and improvement of basic employee medical insurance, basic medical insurance for urban residents, and the New Rural Cooperative Medical System (NRCMS), the basic medical insurance system has achieved full coverage for urban and rural residents. By the end of 2012, the number of participants in those three systems had surpassed 1.3 billion persons, for a participation rate of 95 per cent. With regard to ensuring that urban and rural residents receive equal treatment, the Chinese Government has taken the following three major measures: first, the State provides universal subsidies for urban and rural residents to participate in insurance schemes. Since the new medical reforms, it has gradually increased its input and raised its fiscal subsidies from an annual per capita level of 80 yuan in 2008 to 280 yuan in 2013, and reaching 360 yuan by the end of the Twelfth Five-Year Plan period. Second, while gradually raising compensation levels, attention is also paid to gradually reducing and balancing urban-rural differences. Basic medical-insurance compensation levels for rural and urban residents are converging. In 2011, reimbursement for hospital costs under both NRCMS and urban residents' medical insurance policies was raised to around 70 per cent. And third, overall urban-rural planning is being promoted, gradually implementing the integration of the urban-residents' basic medical-insurance and NRCMS systems. As of the end of October 2013, the six province-level regions of Tianjin, Guangdong, Chongqing, Qinghai, Ningxia and the area under the authority of the Xinjiang Production and Construction Group, as well as 45 prefectures and prefectural-level cities, have launched urban-rural medical insurance planning for their residents, so that urban and rural residents enjoy completely identical policies with regard to basic medical insurance. The Third Plenary Session of the 18th Central Committee of the Communist Party of China adopted the Decision on Several Important Issues of Comprehensively Deepening Reform, further confirming the integration of basic medical insurance systems for urban and rural residents, so that rural residents will enjoy the same unified policy on medical insurance as their urban counterparts.

Question 17: Please provide information on steps taken to ensure that rural-urban migrants have equal access to social services and social security benefits, including the minimum living standard scheme (di bao) guaranteed to urban residents.

73. The Chinese Government has taken the following measures in this regard:

74. (a) *Building a social insurance system.* A pension insurance system framework covering urban and rural residents is already essentially in place, safeguarding the pension insurance rights and interests of various groups including rural migrant workers. The Social Insurance Law provides that "Workers shall participate in basic pension insurance and the basic pension insurance premiums shall be paid jointly by the employing entities and the workers", and that "Rural residents working in urban areas shall participate in social insurance in accordance with the provisions of this Law". According to the provisions of relevant national policies, employees of all urban enterprises, including rural migrant contract workers, shall participate in the basic pension insurance of those enterprises, and the employing entities shall handle the procedures for insurance payments on behalf of the rural migrant workers. In accordance with the relevant provisions, insured rural migrant workers who move to a different province to take employment may complete procedures for transfer of their continuing pension insurance relationship, and enjoy basic pension insurance benefits on retirement in accordance with those provisions. The Interim Measures for the Transfer and Continuation of Basic Medical Security Relationships for Persons Migrating for Employment, promulgated by the Ministry of Human Resources and Social Security in 2009, provides that workers with rural household registration taking employment in urban enterprises and who have stable labour relationships may participate in basic employee medical insurance at their place of employment. Others in transient employment may voluntarily choose to participate in either the NRCMS programme

offered in their place of household registration or in the urban basic medical insurance offered in their place of employment. These measures resolve the problems of transferring medical insurance relationships entailed by the transient employment of urban or rural workers of all kinds, especially rural migrant workers, and protect the lawful rights and interests of insured workers.

75. (b) *Strengthening the effective link between urban and rural social assistance and other systems*. On the basis of the integrated deployment of national household registration reform, the Government is directing qualified localities to explore trial application for Subsistence Security [minimum living standard] assistance based on the place of long-term residence. At present, Jilin province and the municipality of Changsha in Hunan province are implementing this trial measure in certain specific areas. Mechanisms for verification of residents' household economic conditions have been comprehensively expanded on a pilot basis since 2007, effectively raising the accuracy rate for identification of qualified assistance recipients. By accelerating the construction of temporary assistance systems, needy families' basic living-security problems related to expenses and other emergencies are being appropriately resolved. Cohesive mechanisms for establishing medical assistance and charitable enterprises are being explored, and cohesive mechanisms for establishing policies for urban and rural Subsistence Security and employment assistance, development-oriented poverty reduction and housing security are being studied.

76. (c) *Strengthening planning and administration of urban and rural social-assistance allowances*. The maximization of fund benefits is being ensured by combining urban and rural medical assistance fund accounts, coordinating urban and rural medical assistance systems, strengthening and perfecting social-assistance fund administration methods for urban and rural Subsistence Security and medical assistance, increasing the scope of the support provided by the central fiscal authorities in favour of financially disadvantaged regions, and the scientific and reasonable allocation, use, and administration of urban and rural social assistance funds. In 2013, the central fiscal authorities provided 111.97 billion yuan in subsidies for urban and rural Subsistence Security and medical assistance; of those subsidies, 48.14 billion yuan were for urban Subsistence Security support funding, 50.63 billion yuan were for rural Subsistence Security support funding, and 13.2 billion yuan were for medical assistance funding, representing respective increases of 8.5 per cent, 17.4 per cent and 1.5 per cent over the previous year.

77. (d) *Studying ways to promote the legal quantification of urban and rural Subsistence Security standards*. The Government is clarifying the main elements for drafting standards for Subsistence Security support, providing guidance on ways to draft unified local standards, gradually reducing regional and urban/rural differences in Subsistence Security support, and ensuring that standards for such support are suited to local economic and social development levels. It is also directing local authorities to establish and perfect the scientific formulation of standards for social assistance and linkage mechanisms keyed to inflation.

Article 10 – Protection of the family, mothers and children

Question 18: Please provide information on steps taken to prevent abandonment of children, in particular those with disabilities, by their parents and to promote family-type care rather than institutional care for children deprived of a family environment.

78. Article 21 of the amended Law on the Protection of Minors stipulates that parents have an obligation to raise and educate their children; article 23 stipulates that parents have the right and obligation to protect and educate their minor children. Parents or other guardians who fail to perform their duties of guardianship, or who infringe upon the lawful rights and interests of the minor children in their care, and who fail to correct such

behaviour after having been educated as to its ill effects, are liable to revocation of their guardianship by a people's court upon application by persons or work units having a connection with the case, and another guardian shall be designated in accordance with the law. Parents whose guardianship has been so revoked shall continue to bear legal responsibility for the costs of raising their children. The Law on the Protection of Minors contains clear provisions regarding guardianship revocation for parents who infringe upon the rights and interests of minors, greatly constraining parents who fail to care for, educate or properly rear their children. The Law's clear provision that parents whose guardianship has been revoked nonetheless continue to bear legal responsibility for the costs of raising their children ensures that parents or guardians do not evade their responsibilities in this regard.

79. In order to safeguard the rights of children who have lost their families, the Chinese Government has taken the following measures:

80. (a) *Strengthening the institutional framework*. On the basis of the Law on the Protection of Minors, it has successively introduced the Interim Measures for the Management of Social Welfare Institutions and the mandatory industry standard entitled Basic Norms for Children's Social Welfare Institutions; it has also issued the Notice on Further Development of Welfare Enterprises for Orphaned and Disabled Children and the Opinion on Accelerating the Socialization of Social Welfare. The Measures for Administration of Family Foster Care, drafted by the Ministry of Civil Affairs, contains strict provisions governing such aspects as the choice of foster families, the fostering process, and standards of care. The 2006 Opinions on Strengthening Orphan Rescue Work outlines such major issues as how to set up Government-led mechanisms for orphan assistance work, arrange the placement of orphans through a variety of channels, and define the responsibilities of the various departments involved, and requires Government departments to draft and implement preferential policies in nine areas, including orphans' livelihood, medical care, rehabilitation, education, housing, and employment once they have reached adulthood, thus providing a policy foundation and institutional safeguards for in-depth development of child welfare work. The Opinion of the General Office of the State Council on Strengthening Protection and Care for Orphans, issued in November 2010, contains comprehensive arrangements and systematic provisions regarding policies on orphan placement, basic livelihood, education, medical care, employment and housing. With a view to guaranteeing the basic living, growth and development needs of orphans scattered in society, the Circular on Formulating the Minimum Subsistence Standard for Raising Orphans, issued by the Ministry of Civil Affairs in February 2009, sets a uniform minimum per capita subsistence standard of 600 RMB per month for raising such orphans. It requires localities to set their own local standards for the raising of orphans on the basis of this standard, and that they establish a mechanism by which the standard is automatically adjusted against the average cost of living and the price inflation index.

81. (b) *Improving the capabilities of child welfare institutions*. In contrast to conditions in other countries, some 80 per cent of the children in child welfare institutions in China suffer from disabilities that are beyond the capacity of their families to address and require institutional surrogate care. Moreover, owing to the multiple varieties and complexity of the disabilities they suffer, such children are highly dependent on the specialized medical, rehabilitative and special-education care they receive in such institutions. In order to improve the capabilities of child welfare institutions, in June 2013 the Ministry of Civil Affairs issued and implemented two documents entitled the Blue Sky Plan for Construction of Child Welfare Institutions under the Twelfth Five-Year Plan and Implementation Plan for Facilities Allocation for Child Welfare Institutions, and the Standards for Facilities Allocation for Child Welfare Institutions (for Trial Implementation).

82. (c) *Adopting innovative substitute-care models*. One such model is family adoptions, in which willing, compassionate and qualified adoptive families are selected for orphans and abandoned infants in accordance with the Adoption Law, thereby facilitating the return of orphans to stable family environments. Another such model is family foster care, in which, in accordance with the Interim Measures for the Administration of Family Fosterage introduced by the Ministry of Civil Affairs in 2003, children under the guardianship of agencies of the Ministry of Civil Affairs are consigned to families for foster care. The Ministry has also promulgated a domestic standard defining family fosterage services for vagrant minors and promoting more scientific, standardized and professionalized family fosterage work. A third is foster care in small-family homes within welfare institutions, in which relatively independent household facilities are set up inside child-welfare institutions, and parents are recruited to look after a few orphans or abandoned infants, creating relatively stable small households. A fourth is social sponsorship, in which organizations, work units or compassionate individuals in the public at large contribute funds to subsidize the costs of raising a given number of orphans or abandoned infants, with welfare institutions providing centralized foster care services. A fifth is collective institutional care, in which orphans and abandoned infants for whom family adoptions are not possible and return to their own families is difficult are raised collectively at Government expense in child-welfare institutions of various kinds, with the institutions providing basic care, rehabilitation and special education services.

83. (d) *Strengthening international cooperation and building a platform for developing communication exchange in the child welfare field*. China is cooperating with the United Nations Children's Fund (UNICEF), Save the Children UK and other international organizations to initiate programmes focused on preventing child abandonment, diversifying child-rearing patterns, providing knowledge and skills training for child-welfare staff and training for personnel doing social work among children, as well as providing psychological guidance and support for children.

84. Additionally, the Ministry of Civil Affairs has launched social-protection pilot projects for minors in 20 regions throughout China, setting up community protection networks for minors, carrying out spot checks and regular visits among disadvantaged children, providing monitoring and guidance for problem families, raising fostering and educational capacities, and preventing the abandonment of children by their parents. Numerous Government departments jointly carry out special campaigns to bring vagrant children back to their homes and schools, and motivate vagrant minors to return to their families. As a next step, the Ministry is joining with the Supreme People's Court and the Ministry of Public Security to introduce their views on guiding the work of monitoring and intervention for minors, whereby families in which minors have been ignored, mistreated or abandoned are subject to monitoring and intervention, thereby conscientiously safeguarding the rights of minors to life, development, participation and protection.

Question 19: Please provide information on the extent of the problem of child labour. Please provide information on steps taken to prevent schools from sending under-age students to factories as "interns", where they are allegedly subjected to the same conditions as full-time employees. Please also provide information on steps taken to combat the abduction and forced labour of persons with intellectual disabilities, in particular children.

85. The Chinese Government attaches a high degree of importance to the development of vocational education, and is actively exploring such personnel training models as integrated production and instruction, combined work and study, and cooperation between schools and enterprises. It organizes production-line service internship positions for third-year students in secondary vocational schools; such internships are aimed at resolving youth employment issues, and are beneficial for fostering and improving students'

employability and entrepreneurial capacity as well as their occupational flexibility, significantly affecting their growth in skills and talent.

86. The production-internship programmes for students of skilled-workers training schools are an important part of those schools' educational function of training technicians at the intermediate, advanced and probationary levels. Of these, the intermediate-level trainees are recruited from among middle-school graduates and undergo two years' training, generally entering enterprise production internships at 17 or 18 years of age, which is the legal working age. Advanced-level and probationary-technician trainees are generally 18 years of age or over when they enter enterprise production internships. Skilled-worker training-school production internships are not simply a matter of sending students to enterprises as labour; rather, they provide practice in production, and as such constitute an important educational step for deepening students' theoretical knowledge and fostering the working capacity and professional skills they will need in their future jobs. These internships are organized and arranged according to the students' education plans. In the relevant regulations and official documents, the Government has set out clear provisions regarding the standard administration of skilled-worker training schools' student internships and ensuring the safety of students in such production practice. Schools are required to strengthen their administration of such production internship programmes, abide by the relevant provisions of the Labour Law, establish and improve corresponding management systems, and work with enterprises to jointly improve safety systems; moreover, through signed safety-liability agreements, they must produce clear agreements regarding production-practice working conditions, labour protection and production safety for students. Currently, skilled-worker training schools are taking the following measures with regard to improving student production internship administration: first, planning and arranging basic and general skills training and production practice. Skills training is generally provided in the skilled-worker training schools in the students' first two years of study, and on-site production-practice internship generally takes place in the final year of study, ensuring that students have reached the minimum legal working age by the time they go to enterprises as interns. Second, the schools establish sound organs for managing student production-practice internships, setting up production-practice work organs led by the school and staffed with middle-level cadres and instructors, thus ensuring that student production-practice safety management is in place. Third is strengthening the organization of administration and education, with internship team-leading instructors and advising instructors present at the production-practice site, being fully familiar with the students' training situation and resolving existing problems in their practice work. Fourth is improving the responsibility system for production-practice safety, with schools and enterprises signing internship safety-liability agreements, guaranteeing the conditions of students production-practice internships, labour protections and safe production.

87. At the same time, the Chinese Government has taken a variety of measures to ensure the physical safety and physical and mental health of students during their practice training period. In 2007, the Ministry of Education and the Ministry of Finance jointly issued the Rules for Administration of Secondary Vocational Schools Student Internships, which clearly stipulate that first-year students may not be assigned to enterprise-level work units for regular-shift practice work (localities also prohibit minor students from doing such work); that students may not be assigned to practice work at high altitudes or underground, or where they would be exposed to radiation, toxic, inflammable or explosive materials, or physical labour of State-stipulated Grade Four intensity, or other potentially hazardous practice work; that students may not be assigned to practice work in bars, cabarets or other entertainment businesses; that students may not be assigned to practice work of more than eight hours' duration daily; and that practice work may not be organized, arranged or administered through intermediary agencies. Internship units are required to provide practicing students with a reasonable internship stipend, and stipends for students accepted

for internships at enterprises are deducted prior to calculation of the enterprises' corporate income taxes. Educational administration departments at all levels are required to strengthen their internship administration, supervision and review. In 2009, the Ministry of Education, the Ministry of Finance and the China Insurance Regulatory Commission jointly issued the Notice Concerning Liability Insurance for Secondary Vocational Schools Implementing Student Internships, stipulating schools' liability and the industrial-injury liability for physical injuries sustained by students during the period of their internships, as well as the schools' liabilities during educational training periods. The Ministry of Education is working on the formulation of the Regulations on Administration of Secondary Vocational School Internships (for Trial Implementation), in order to further protect the lawful rights and interests of students during internship training.

88. The Chinese Government has adopted a variety of measures to combat the abduction and forced labour of the mentally handicapped, especially children. It has drafted and issued the Provisions on Prohibition of Child Labour and the Regulations on Special Labour Protection for Minor Workers, stipulating legal liability for the use of child labourers or the use of minors or the mentally handicapped for forced labour; the Criminal Law stipulates the crime of forced labour as well as clearly specifying criminal liability for forced labour constituting a crime. In 2011, the State Council issued the Opinion on Strengthening and Improving Assistance and Protection for Vagrant Minors, expanding the scope of efforts to combat minors being forced or deceived into or used in begging or other criminal activities, and more actively and positively assisting and protecting vagrant minors.

89. The public-security organs attach great importance to combating the criminal infringement of the lawful rights and interests of minors and the disabled, and rigorously crack down on forcing or deceiving minors into or using them in begging or other criminal activities. They proceed with especial severity, in accordance with the law, against behind-the-scenes organizers or manipulators of such activities. When they come across disabled children in the course of their work, they promptly carry out DNA testing and help the children find their families. Rescued disabled begging vagrant minors are promptly sent to local assistance and protection centres or emergency administration stations for minors, where their guardians are located to ensure their safe return. In strictly implementing the China National Plan of Action on Combating Trafficking in Women and Children (2008–2012), the public-security organs give full play to the role of the joint meeting office, coordinate the relevant Government departments' comprehensive handling of crimes of trafficking of minors and the disabled, and pursue legal liability under the Criminal Law or the Public Security Administration Penalties Law for acts of forcing minors and the disabled, especially mentally-handicapped children, to perform labour; utilizing microblogs and other Internet tools, they publicize the determination of the public-security organs to crack down relentlessly on crimes of abduction, actively launching related publicity and educational campaigns to reinforce self-defence awareness among minors and the disabled, and broaden channels for clues, starting at the source, prevent or reduce the occurrence of crimes of this type.

90. Departments of human resources and social security are expanding the scope of enforcement of labour security laws, and resolutely cracking down on illegal activities such as the use of child labour and forcing the mentally handicapped to work. They have launched a comprehensive evaluation of the "Campaign to crack down on illegal employment and other illegal and criminal activities", and directed localities to expand the scope of their attacks on the offenses of the use of child labour and forcing the mentally handicapped to work, conscientiously safeguarding the lawful rights and interests of this segment of the population; they have established long-term supervision and coordination mechanisms, strengthened coordination and communication with public security, industry and commerce, and production safety departments; and continued to cooperate with the

international community and draw lessons from the advanced methods of other countries, thereby strengthening the prevention and investigation of the offenses of the use of child labour and forcing the mentally handicapped to work.

91. Education departments are actively pressing localities to bring a variety of social forces together under Governmental guidance to resolve the educational problems of mentally handicapped children who have not reached school age. Examples include increasing the awarding of special-education degrees by special-education schools, which are also accepting children with more serious handicaps for education; the integrated classroom model, in which handicapped children are taught in regular classrooms, is being expanded, affording them the convenience of attending regular schools near their homes; the development of "bringing teaching to the home" programmes, in which special-education teachers or regular classroom teachers regularly visit students' homes to provide teaching and rehabilitation services; and the development of neighbourhood mutual assistance education, by means of organizing coordinators for the handicapped or other public-service personnel in mentally-handicapped children's villages or neighbourhoods to provide social adaptation education and rehabilitation training services for those children.

92. Rescue organizations are opening up special rescue-services districts for placement of rescued trafficking victims, with food, housing, medical care, communications and home return services provided according to the individual physical and psychological characteristics and needs of each victim of trafficking; moreover, care is taken to foster rescue workers' psychological intervention, corrective education and other specialized skills, raising the level of rescue services they can provide to trafficking victims and help them free themselves from the psychological traumas created during the time they were abducted.

Question 20: Please clarify whether the State party has adopted legislation criminalizing domestic violence, including marital rape.

93. The Chinese Government has always attached importance to the protection of women's rights and interests, and has taken a variety of measures to prevent and stop violence against women. Recent legislative progress in this regard in China is as follows: in 2001, China amended its Marriage Law, clearly prohibiting domestic violence for the first time. The 2005 amendment of the Law on the Protection of Rights and Interests of Women stipulates that "the commission of domestic violence against women is prohibited", emphasizing that "the State takes measures to prevent and stop domestic violence" and outlining the responsibilities of Government departments in that regard. The 2006 amendment of the Law on the Protection of Minors and the 2012 amendment of the Law on the Protection of the Rights and Interests of the Elderly respectively added the phrases "the commission of domestic violence against minors is prohibited" and "the commission of domestic violence against the elderly is prohibited". Moreover, China's General Principles of the Civil Law, Criminal Law, and Public Security Administration Penalties Law all contain corresponding provisions on preventing and stopping domestic violence. To provide a legislative foundation for local efforts to combat domestic violence, 31 Chinese provinces, regions and municipalities have completed revisions of the Measures for the Implementation of the Law on Protection of the Rights and Interests of Women; 29 provinces, regions and municipalities have drafted specific local laws, regulations or normative documents on preventing and stopping domestic violence; and some localities have introduced laws and regulations on gender equality.

94. A broad consensus has been reached in Chinese society on the introduction of specific laws against domestic violence. Beginning in 2008 and based on intensive study, the All-China Women's Federation, through its representatives in the National People's Congress, has drafted and introduced proposals for a law against domestic violence for six

years in succession. In 2008, the Internal and Judicial Affairs Committee of the National People's Congress launched a special investigation of law enforcement in connection with the problem of domestic violence, gaining a thorough understanding of the current state of anti-domestic violence work and its main problems, and laying a preparatory foundation for the drafting and introduction of specific legislation in this regard. In 2012, the Legislative Affairs Commission of the National People's Congress Standing Committee approved argumentation for anti-domestic violence legislation. In 2013, anti-domestic violence legislation was included in the legislative programme of the Twelfth National People's Congress, confirming that it would be submitted to the State Council for consideration. The State Council Legislative Affairs Office is currently actively working on the matter.

95. In connection with criminalizing marital rape, the crime of rape is specified in article 236 of the Criminal Law as the act of "raping a woman by violence, coercion or other means"; the act of marital rape is not excluded under the provisions of this article. Especially if, during a period of irregularity in the relationship between a husband and wife, such as under special circumstances like separation or while divorce proceedings are under way, a husband were to use violence, coercion or other means to force his wife to have sexual relations with him against her will, it could also constitute the crime of rape. There are also relevant precedents in current juridical practice. Moreover, acts of domestic violence could also constitute crimes of intentional injury under article 234 of the Criminal Law, or of abuse under article 260. Additionally, even if the circumstances are too minor to constitute a crime per se, if an act violates the Public Security Administration Penalties Law, the perpetrator may be liable for public security penalties.

96. With regard to the issue of criminalization of other acts of domestic violence, perpetrators of domestic violence may be liable to application of relevant provisions of the Criminal Law depending on the circumstances. Principal among these are article 260 on the crime of abuse, article 234 on the crime of intentional injury, article 233 on the crime of negligent homicide, article 235 on the crime of negligent severe injury, article 257 on the crime of violent interference with freedom of marriage, and article 261 on the crime of abandonment.

Question 21: Please clarify whether the definition of the crime of trafficking in the Penal Code will be broadened from the current focus on exploitation of prostitution in order to bring it in line with international standards. Please also provide information on the implementation of the National Plan of Action against Trafficking in Women and Children 2008–2012.

97. China's Criminal Law consistently attaches importance to combating the criminal act of human trafficking, and especially that of trafficking in women and children. The Law contains specific provisions in that regard, under which any act of abducting, kidnapping, purchasing, trafficking in, transporting or transferring of a woman or child for the purpose of selling the victim constitutes a criminal act. Moreover, the Criminal Law stipulates that acts of recruiting or conveying people for the purpose of organizing or compelling prostitution, or providing other assistance for that purpose, are also crimes. Crimes of this nature appear under the category of crimes connected with human trafficking in the Criminal Law. Generally speaking, the provisions of China's Criminal Law in this regard are consistent with the requirements of the relevant international conventions.

98. *Specifics of relevant provisions of China's Criminal Law.* Article 240 of the Criminal Law deals with the crime of trafficking in women or children. Its first paragraph stipulates that whoever abducts and traffics a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if any of the following circumstances apply, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or

sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property: (1) being a ringleader of a gang engaged in abducting and trafficking women and children; (2) abducting and trafficking three or more women and/or children; (3) raping a woman who is abducted and trafficked; (4) enticing or forcing a woman who is abducted and trafficked to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion or anæsthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to a woman or child who is abducted and trafficked or to her or his relatives or any other serious consequences; or (8) selling a woman or a child out of the territory of China. The second paragraph of the article stipulates that by abducting and trafficking a woman or child is meant any act of abducting, kidnapping, purchasing, trafficking, transporting or transferring of a woman or child, for the purpose of selling the victim. Persons committing any of the aforementioned acts may be liable for the crime of abducting and trafficking in women and children.

99. Furthermore, article 241 of the Criminal Law stipulates that purchasing trafficked women and children constitutes a crime; article 262 of the Criminal Law stipulates that abducting minors under the age of fourteen, thereby separating them from their families or guardians, constitutes a crime; and a provision of article 234 of the Criminal Law stipulates that the sale of human organs constitutes a crime. Moreover, the taking of a person's organs without obtaining that person's consent can be construed as a crime under the provisions of article 234 of the Criminal Law on the crime of intentional injury and article 232 of the Criminal Law on intentional homicide. Article 244 of the Criminal Law stipulates that compelling the labour of a person by means of violence, intimidation or restricting that person's personal freedom constitutes a crime; those who recruit or transport other persons or otherwise render assistance in that connection are accordingly punished for the crime of compelling labour. The third paragraph of article 358 of the Criminal Law stipulates that recruiting or transporting other persons for prostitution or helping to organize prostitution in other ways also constitutes a crime. Additionally, in order to combat trans-border criminal human trafficking, the Criminal Law also has provisions criminalizing the organization or transport of persons across State borders in that connection.

100. From this it can be seen that the crime of trafficking in women and children as stipulated in China's Criminal Law is not limited to simply focusing on the introduction of women into prostitution, but covers a much broader range of circumstances related to that crime. China's current legislation emphasizes the protection of the lawful rights and interests of women and children, and its purposes and principles are consistent with international norms.

101. **Implementation of the National Plan of Action against Trafficking in Women and Children 2008–2012**. In order to realize the Stockholm Agenda for Action and the Yokohama Global Commitment, in December 2007, China introduced its first anti-trafficking action plan, the National Plan of Action against Trafficking in Women and Children (2008–12), establishing an inter-agency joint meeting system to coordinate action to combat the trafficking of women and children, made up of 31 Government departments including the Ministry of Public Security, forming a framework for anti-trafficking efforts in which the government takes overall responsibility, the public security organs take the lead, and the various other departments make concerted efforts to implement comprehensive measures. The Plan determined the guiding philosophy, target tasks and concrete measures of the anti- trafficking efforts, comprehensively regulating the concrete measures taken and the division of responsibilities for its implementation, which covered various areas of anti-trafficking work including combating and preventing trafficking, the rescue, return and rehabilitation of victims, and international cooperation. In 2007, the Ministry also set up a special office for combating trafficking in women and children. In

2008, the Central Committee for the Comprehensive Management of Public Security proposed the establishment of an inspection-tour system for the comprehensive management of public security, bringing prevention, combating and the timely deterrence of human trafficking into that system.

102. China has taken the following measures to crack down on criminal acts involving the abduction and trafficking of children: first, it has enhanced the investigation work for filing of trafficking cases, changing the previous provision that no case shall be filed for investigation within 24 hours of a child being reported missing; upon receiving a report from the public that a child has gone missing or been abducted, it will immediately be filed as a criminal case, without exception, and investigative work will commence quickly. Second, China has carried out numerous special operations to combat the trafficking of children, ensuring the cracking of a series of grave and especially large cases constituting a bad influence on society; it is continuously improving and perfecting new anti-trafficking mechanisms, solidly carrying out case investigations, arrests of criminal suspects, and finding and freeing trafficked women and children. Third, it is vigorously emphasizing the verification of case leads, urging continuous follow-up of leads given by the public or provided on the internet, and in each case notifying local authorities to follow up on such leads. Fourth, it is improving and perfecting working mechanisms for quickly checking for missing children and thoroughly searching for clues to the identities of unidentified children, while continuing to strengthen the structure and application of the anti-trafficking DNA information bank. Fifth, it has set up anti-trafficking microblogs on the Internet, broadening channels for the transmission of clues and responding to appeals from the public in a timely manner. Sixth, it has deployed operations to rescue vagrant street children and child street beggars. And seventh, it has made full use of bilateral and multilateral platforms of international cooperation to actively undertake international anti-trafficking cooperation. At the same time, it has achieved remarkable results in working to eliminate the breeding-grounds of criminal trafficking, strengthen and improve social public administration services, enlarge the scope of judicial punishment for criminal trafficking as well as the scope of rescue and protection for women and children, find appropriate placement for rescued women and children, and improve rescue and rehabilitation, medical care and health protection, psychological counselling, legal services, and propaganda and education mechanisms for trafficking victims.

103. In March 2013, on the basis of an impartial summary of the first five-year plan, the Chinese Government promulgated and implemented the National Plan of Action Against Human Trafficking (2013–2020), proposing even more demanding anti-trafficking requirements. Related work is currently advancing on all fronts.

Question 22: Please inform the Committee whether the State party intends to introduce legislative amendments with a view to prohibiting corporal punishment in all settings.

104. China consistently attaches great importance to protecting its citizens' personal rights. There are numerous laws currently in effect in China that forbid corporal punishment and corporal punishment in disguised forms in a variety of contexts, and which provide for corresponding legal liability.

105. **Prohibiting corporal punishment of workers**. Under the provisions of the Labour Law of 1 January 1995 and the Labour Contract Law of the People's Republic of China of 1 January 2008, employers who inflict corporal punishment on their workers are liable for administrative punishment in accordance with the law; in cases serious enough to constitute a criminal offence, they shall be held criminally liable in accordance with the law, and shall bear responsibility for paying compensation to workers if they suffered injuries.

106. **Prohibiting corporal punishment of minors and students**. Under the provisions of the Law on the Protection of Minors of 1 June 2007, teaching staff in schools, kindergartens and nursery schools may not inflict corporal punishment or corporal punishment in disguised forms on juveniles, or otherwise wound their dignity. Teachers who commit such acts shall be subject to administrative punishment by their work unit, or by higher authorities. In serious cases, they shall be held criminally liable in accordance with the law. The Law on Prevention of Juvenile Delinquency of 1 November 1999 stipulates that families and schools shall not physically punish, abuse, or discriminate against juveniles who attend work study schools. The Compulsory Education Law, enacted on 12 April 1986 and in effect since 1 September 2006 following amendment that year, stipulates that teachers who inflict corporal punishment on students and do not change their behaviour after education, or whose conduct is humiliating or otherwise a bad influence on students, shall be subject to administrative punishment by the school where they work, by another educational institution or by the education-department authorities, or dismissed.

107. **Prohibiting corporal punishment of persons in detention**. The Prison Law of 29 December 1994, and the People's Police Law of 28 February 1995 both stipulate that the people's police may not inflict corporal punishment on persons accused of crimes or on criminal offenders. The Public Security Administration Penalties Law of 1 March 2006 stipulates that if the people's police inflict corporal punishment on other persons when handling public-security cases, they shall be subject to administrative penalties; in serious cases, they shall be held criminally liable in accordance with the law. The Anti-Drug Law of 1 June 2008 stipulates that attendant staff of compulsory isolation centres for drug rehabilitation may not inflict corporal punishment on persons being treated for drug addiction, and further stipulates that if a staff member of a public security organ, judicial administration department or other relevant responsible authority inflicts corporal punishment on persons receiving treatment of drug addiction in the course of his work in combating narcotic drugs, which constitutes a crime, he shall be held criminally liable in accordance with the law; if the case is not serious enough to constitute a crime, he shall be given a sanction in accordance with the law. The Criminal Law, enacted on 1 July 1979 and in effect since 1 October 1997 following amendment in that year, stipulates that any officer of an institution of confinement like a prison, house of detention or custody house who subjects a person held in custody to corporal punishment, or who directs a person held in custody to subject another person held in custody to corporal punishment, if the circumstances are serious, shall be sentenced to fixed-term imprisonment or criminal detention of not more than three years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of the Criminal Law on intentional injury and on intentional homicide. The Criminal Law further stipulates that a criminal held in custody in accordance with the law who inflicts corporal punishment on another person held in custody, or who directs another person to do so, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years.

108. The Public Security Administration Penalties Law and the Criminal Law provide for corresponding legal liabilities with regard to violations of citizens' personal rights resulting in injury or death through the infliction of corporal punishment in other contexts. In addition to legislation drafted by the National People's Congress and its Standing Committee, corporal punishment is prohibited in the provisions of relevant Chinese administrative laws and regulations, judicial interpretations, and local laws and regulations. China is willing to further study whether or not to amend its legislation with a view to "prohibiting corporal punishment in all settings", as well as how to create such provisions within the law.

Question 23: Please provide updated information on the nature or the effects of the one-child policy. Please also provide information on envisaged reforms of the policy, as well as on the expected impact on the elimination of the practice of non-registration of children.

109. China's family-planning policy is not simply a one-child policy, but rather an integrated system of policies. China has always adhered to the principle of combining Government leadership and voluntary public participation; by means of comprehensive publicity, as well as scientific, technological, economic, administrative and legal measures, it has guided the masses to consciously practice family planning. Over the past four decades, family planning has achieved enormous success, effectively controlling excessively rapid population growth and bringing about historic change in population reproduction, thereby contributing enormously to relieving population pressure on resources and the environment, promoting the maintenance of relatively rapid economic development, and improving the people's livelihood.

110. In November 2013, the Third Plenary Session of the 18th Central Committee of the Communist Party of China announced the decision to implement a policy allowing couples to have a second child if either of the parents is an only child. This is a major adjustment and improvement of family-planning policy, favouring the stabilization of moderately low birth levels and promoting the coordination and sustainable development of the population in the economic, social, natural-resources, and environmental spheres.

111. China has always opposed the practice of non-registration of children. China's Ministry of Public Security, along with other Government departments concerned, has issued numerous documents specifically requiring that newborn children must be registered regardless of circumstances. The National Health and Family Planning Commission, in conjunction with the Ministry of Public Security, will strengthen its supervision and guidance of localities to effectively implement China's birth registration regulations.

Article 11 – The right to an adequate standard of living

Question 24: Please provide information on steps taken, and their impact, to combat poverty, especially among the disadvantaged and marginalized groups, such as internal migrants and persons with disabilities, and to reduce the growing disparities between rural and urban regions.

112. The Chinese Government has always attached a high degree of importance to the elimination of poverty, accelerating the development of impoverished areas and the pace at which impoverished populations move away from poverty into prosperity by means of drafting and conscientiously implementing poverty-reduction guidelines and policies, and taking a series of measures to steadily push rural development-oriented poverty reduction work forward and create a three-pronged overall structure comprising targeted, industrial and social poverty alleviation. China has taken the following substantive measures in this regard:

113. (a) *Formulating specific policies to alleviate poverty.* The Government introduced the National Eight-Seven Poverty Reduction Priority Programme (1994–2000) (so named because its goal was to lift eighty million rural people out of poverty in seven years), followed by the Outline for Development-Oriented Poverty Reduction for China's Rural Areas (2011–2020) (hereinafter referred to as the New Outline), guiding development-oriented poverty reduction efforts throughout the country. The New Outline clearly sets out the goals of the struggle as implementing a stable liberation of recipients of poverty-reduction efforts from worries about food and clothing by 2020, as well as ensuring their access to compulsory education, basic medical care and housing.

114. (b) *Setting up specific working organs*. The Chinese Government established the State Council Leading Group on Poverty Alleviation and Development, belonging to the advisory and coordination organs under the State Council and headed by a Vice-Premier. Currently, the Leading Group is composed of members from 36 Government departments. Specific responsibility for rural poverty alleviation work in rural China is borne by the Office of the State Council Leading Group on Poverty Alleviation and Development. At the same time, governments of provinces, autonomous regions, municipalities under the Central Government, prefectural-level municipalities and cities, and counties, have also set up corresponding work organs to carry out poverty alleviation at those local levels. The administrative structure of development-oriented poverty reduction in China thus is one in which the central Government carries out overall planning, provinces assume responsibility, and counties implement the policies.

115. (c) *Clarifying the scope of assistance and the recipients of poverty reduction*. In accordance with the requirements of the New Outline, on the basis of designating 592 key counties for poverty-alleviation and development work throughout the country, the Chinese Government has designated 14 concentrated contiguous regions with special difficulties as the primary battlegrounds for its poverty-reduction offensive, focusing its efforts on drawing up poverty-alleviation campaign plans for each area and expanding the scope of its investment and support in that area. In 2011, it raised the national rural poverty-reduction standard to 2,300 yuan (there had been no change in 2010); 122 million people received development-oriented poverty reduction assistance that year, with the 2012 figure declining to 98.99 million, or roughly 10.2 per cent of the registered rural population.

116. (d) *Increasing investment in development-oriented poverty reduction*. The Chinese Government is continuously increasing its fiscal input, focusing on impoverished regions and populations. It invested a cumulative 320.1 billion yuan in specific poverty-reduction projects from 1980 to 2013, growing at an average of 16.8 per cent per year; in 2013 it invested 39.4 billion yuan in such projects, an increase of 18.7 per cent over the previous year. It has also actively steered financial capital support toward rural development oriented poverty reduction by arranging fiscal interest-subsidized poverty reduction funds. Investment in poverty reduction by local governments at all levels is also continuously increasing, with poverty reduction funding by 28 provinces in central and western China reaching 17.18 billion yuan in 2012.

117. (e) *Steady progress in poverty-reduction work*. Since 2011, in accordance with the requirements of the New Outline, government departments in the areas of education, health, transport, science and technology, national territory, water conservancy, forestry and tourism all prioritize the development of contiguous regions with special difficulties when drafting industrial development plans and policies, and are introducing relevant measures in that regard. Poverty reduction departments have organized and implemented several programmes under the Twelfth Five-year Plan, including a programme to promote development-oriented poverty reduction for entire villages, which was implemented in 15,000 impoverished villages in 2012–2013; a relocation programme for poverty reduction, under which 2.12 million impoverished rural people were relocated from bad areas; and a food-for-work programme. They are also actively carrying out pilot reforms in the implementation of the "Raindrop" skills-training programme, providing direct cash grants to 460,000 vocational-education students from impoverished households. The scale of pilot mutual funds for impoverished villages is also steadily expanding, with pilot programmes in some 1,300 counties and 21,000 villages throughout the country.

118. (f) *Rallying social forces for poverty reduction*. In a broad mobilization of the various social forces of central Government and State organs to participate in development-oriented poverty reduction, the targeted assistance of 310 work units for 592 State-designated key counties has been mobilized for development-oriented poverty reduction,

along with the assistance of 18 provinces and municipalities in eastern China for 11 of their provincial, regional and municipal counterparts in western China. The Government is fully facilitating the participation of democratic political parties, social organizations, private enterprises, and a broad cross-section of society in reducing poverty, helping impoverished regions and populations to improve their working and living conditions by initiating a range of activities, and building an atmosphere in which society as a whole shows solicitude for impoverished regions and compassion for impoverished groups.

119. Through the joint efforts of all sectors in China, new results have been obtained in poverty reduction work, as basic-infrastructure construction in impoverished areas continues to improve, levels of public service rise further, economic and social development display positive trends, the average per-capita net income growth for residents in key rural counties continues to exceed that for rural residents elsewhere throughout the country, and the numbers of rural poverty-reduction recipients continue to fall. From 2010 to 2012, the impoverished population fell by nearly 67 million, with the incidence of rural poverty falling from 17.2 per cent to 10.2 per cent; average per-capita income in key rural counties increased from 3,273 yuan to 4,602 yuan, with the yearly increase averaging 18.6 per cent. The numbers of roads opened, electrical connections made and telephones installed, the density of rural homes with safe drinking water, and the average per-capita living space for residents in key rural county natural villages all rose, with social programmes and cultural affairs growing by leaps and bounds in impoverished areas.

120. **Poverty reduction for impoverished disabled persons**. The Chinese Government has made impoverished disabled persons a key focus of its poverty reduction efforts, introducing a variety of focused support polices and taking the following effective measures in this regard.

121. (a) *Ensuring that disabled persons enjoy all State social security systems*. Disabled persons are entitled to Subsistence Security, New Rural Cooperative Medical Care, and New Rural Pension Insurance systems, ensuring their basic social security systems for their living, medical-care and pension needs. Additionally, in light of the distinguishing characteristics and special difficulties of the disabled, special differentiated policies are provided for them based on universal access to the social security system. For example, increased Subsistence Security allowances are provided for impoverished disabled persons and those whose disabilities are particularly severe; the Government also pays the individual-contribution portion of the New Rural Cooperative Medical Care and New Rural Pension Insurance schemes for impoverished disabled participants in those programmes, and so forth.

122. (b) *Formulating focused policy measures*. As a group, the disabled are a key support focus under the New Outline, which includes them in the overall poverty reduction plan while providing preferential arrangements and increasing the scope of support with unified organization, synchronized implementation, and under the same conditions. The Government has also drafted the Outline for Poverty Relief and Development for Disabled Persons in Rural Areas (2011–2020), which introduces specific policies with regard to development-oriented poverty reduction support for the impoverished rural population and impoverished areas as well as impoverished disabled persons. It supports developing rehabilitation and special education for disabled persons, improving services and facilities for them, and gradually establishing a disabled persons' rehabilitation assistance system as well as systematized living allowances for impoverished disabled persons and nursing subsidies for the severely disabled. It further supports accelerating the promotion of dilapidated-housing renovation for rural impoverished disabled persons, expanding the scope of development-oriented poverty reduction for the disabled, strengthening technical training for impoverished disabled persons, prioritizing support for household production development for impoverished disabled persons, and providing guidance the disabled with

regard to employment and entrepreneurship. During the period of the Twelfth Five-Year Plan, the central fiscal authorities provided 200 million yuan in assistance subsidies for rural impoverished disabled persons to receive applied technology training, enhancing their self-development capacity; with an additional 750 million yuan in assistance for rural impoverished disabled persons' households to undertake the renovation of their dilapidated housing, thereby improving their housing conditions.

123. (c) *Providing interest-subsidized poverty-reduction loan funding for disabled persons*. Loan funding of this type began in 1992, and has been growing yearly ever since; in 2013, the Government provided some 60 million yuan for rehabilitation and poverty-reduction loan funding, leading to the issuance of 1.029 billion yuan in such loans. It has enlarged the scope of administrative reform for rehabilitation and poverty-reduction loans, perfecting the guarantee system, simplifying loan procedures, and increasing the rates of disbursement and the efficacy of poverty reduction such loans provide for impoverished disabled persons.

124. (d) *Providing assistance within specific poverty reduction programmes*. One type of assistance consists in continuing to carry out the work of linking the rural Subsistence Security and development-oriented poverty reduction systems; in the process of implementing poverty reduction measures, programme categories such as farming, livestock breeding, handicrafts or household sideline production that are suited to impoverished disabled persons are chosen and prioritized. Another is prioritizing disabled persons when carrying out multi-level occupational skills training, and striving to give a grasp of an agricultural production technique with specific technical content to every impoverished disabled person who is able to work.

125. (e) *Mobilizing the participation of social forces*. In social poverty-reduction work, assistance to impoverished disabled persons is being strengthened, and when organizing links between functionaries in Party and Government organs at all levels and support for impoverished disabled persons, full awareness of the special difficulties of such persons is maintained and the establishment of assistance pairings is prioritized in order to help them resolve practical problems in work and life. To accelerate the promotion of development-oriented poverty reduction for disabled persons and strengthen assistance to impoverished disabled persons, the Office of the State Council Leading Group on Poverty Alleviation and Development, in conjunction with the China Disabled Persons Federation, issued the Circular on Strengthening Development-Oriented Poverty Reduction Work for Disabled Persons in Contiguous Destitute Areas in August 2013.

126. Since 2001, remarkable success has been achieved in eliminating poverty among the disabled: assistance in improving working and living conditions for impoverished disabled persons has been provided in some 30 million instances, and roughly 17 million disabled persons have been lifted out of poverty; 11.09 billion yuan in interest-subsidized rehabilitation and poverty-relief loans have been placed, providing production income for 1.75 million impoverished disabled persons as well as practical technical training for impoverished disabled persons in 12 million instances. Since 2004, 883,000 dilapidated homes of rural impoverished disabled persons have been renovated, benefiting as many as 1.129 million disabled persons. Since 2012, local authorities have established over 5,000 poverty reduction bases for disabled persons, settling and providing guidance to 360,000 impoverished disabled persons in productive work; the Chinese Communist Party has launched a grass-roots-level Party programme to organize assistance and poverty reduction for the disabled, pairing up to assist 94,000 impoverished disabled persons to improve their working and living conditions; and a rural retail network project has been launched to assist the disabled and reduce poverty, placing 5,968 impoverished disabled persons in employment and helping 2,059 others to set up retail shops in rural villages.

127. **Reducing the urban-rural gap**. The Chinese Government is committed to conscientiously shrinking the gap in development between urban and rural areas by means of planned leadership, policy support, fiscal investment and the allocation of resources; it is working to protect and improve the public resources and services needed for development by vulnerable and marginalized groups like the internal transient population.

128. In July 2012, it implemented a national programme for basic public services under the Twelfth Five-Year Plan. Proceeding from the perspective of citizens' rights and Government responsibilities, and focusing closely on basic human survival and development needs, this document mapped out 80 basic public-service programmes in 44 broad categories, along with the corresponding basic national standards, and proposed the implementation of 30 assurance procedures and policies, along with the continuous integration and improvement of the basic public-services network covering both urban and rural areas, so that urban and rural residents would be able to enjoy convenient access to those services. For the first time, the plan comprehensively and systematically clarified the arrangements for basic public service systems of all sorts, proposing a system of feasible policies and measures for setting up institutional mechanisms as well as fiscal-expenditure growth mechanisms to foster the equalization of basic urban and rural public services, and highlighting the principle of prioritizing rural areas, impoverished regions and vulnerable social groups in the allocation of public resources, thereby effectively promoting social equity and fairness.

129. The Chinese Government is committed to promoting coordinated regional development. On the basis of regional variations in available resources and development levels, it has drafted a primary functional-regions development strategy and introduced a series of regional plans for supporting ethnic-minority regions such as Xinjiang, Tibet, Qinghai, Ningxia and Guangxi that are playing an important role in improving local development environments, thereby improving development quality and reducing development gaps in those areas.

130. As part of its regional policies, the Government has also drafted a Catalogue of Priority Industries for Foreign Investment in the Central and Western Regions, actively guiding foreign investment to the central and western regions of the country, motivating key industries to convert their advantages in resources into advantages in economic development, and continuously deepening and broadening the outward opening of the central and western regions and promoting their local economic and social development.

131. The Chinese Government is also working to improve the people's basic educational, medical and cultural infrastructure and the quality of the public services available to them. Since 2008, in the central Government budget alone, some 215 billion yuan have been invested specifically in social programmes in the areas of education, health and culture. For example, in education, a large number of projects have been organized and implemented in the central and western regions, such as the reconstruction of rural junior middle schools, promotion of rural pre-school programmes, and construction of regular secondary schools in educationally disadvantaged counties in ethnic-minority regions; support has been provided for the construction of 6,000 nursery schools, and for the construction or renovation of 20,000 rural middle and primary schools, 3,100 secondary vocational schools and regular secondary schools, and 1,182 special-education schools. The key investment focus of the foregoing projects is on supporting remote and impoverished areas while mitigating investment support policies for such areas and upholding regional distinctions, thereby substantially increasing the proportion of central-Government investment in the impoverished regions of central and western China, and effectively reducing inter-regional gaps in basic public services.

132. The Chinese Government is also strongly committed to supporting basic-infrastructure construction directly relevant to the lives of rural residents, such as safe drinking water, electricity, roads, methane gas, and housing renovation, thus working to improve the working and living conditions of rural residents. First, it is strengthening rural drinking-water safety projects; the central Government invested a cumulative 90.7 billion yuan from 2010 to 2013, and resolved the drinking-water safety problems of some 244 million rural residents and 30 million rural students and teachers at rural schools. Second, it is supporting rural bio-gas construction, with central Government investment of 14.9 billion yuan from 2010 to 2013; nationwide, it has provided support for the construction of facilities for the use of bio-gas in some 4.5 million rural households and nearly 25,000 small farming areas and multi-family dwellings, as well as for some 3,000 large and medium-sized bio-gas projects, 40,000 rural service outlets, and four rural bio-gas technology support projects. Third, it is accelerating the implementation of rural housing-renovation projects in State-owned land-reclamation areas and forestry shantytowns. From 2010 to 2013, the central Government invested a cumulative total of 12.8 billion yuan, renovating nearly 1.4 million dilapidated homes in State-owned land-reclamation areas and building the basic water and electricity support infrastructure for them as well; it also invested a cumulative 19.3 billion yuan in the central budget for the renovation of 1.3 million homes in forestry shantytown renovation projects. Moreover, it is continuing to implement nomadic pastoralist-settlement projects in Tibet and Tibetan-inhabited areas of Qinghai, Gansu, Sichuan and Yunnan provinces, as well as in the Xinjiang and Inner Mongolia Autonomous Regions; from 2010 to 2013 the State invested a total of 9.9 billion yuan and settled over 300,000 nomadic pastoralists.

133. The Chinese Government has initiated the implementation of a child welfare facilities construction plan, focused on counties and cities with relatively large populations and large numbers of orphans, and involving the construction of an array of child-welfare centres or children's departments in social-welfare institutions, prioritizing ethnic and border areas, and promoting accelerated construction of a network of well-designed, full-featured, and soundly-managed grass-roots-level child-welfare facilities, to ensure that children receive appropriate placement and a good upbringing.

Question 25: Please provide information on steps taken to address food insecurity, in particular in poor rural regions situated in the western mountainous areas. Please also specify which measures are taken to address child malnutrition, in particular in rural areas and the Tibet Autonomous Region.

134. In order to raise food supply capacity and ensure national food security, the General Office of the State Council issued and implemented the National Plan for Increasing Grain Production Capacity by 100 Billion *Jin* (2009–2010) [1 *jin* = 0.5 kg] in 2009. In accordance with the requirements of the Plan, the State has cumulatively allocated 24.3 billion yuan since 2010, mainly for field-engineering projects and service-system construction in 800 major grain-producing counties nationwide (of these, 680 are located in the 13 primary grain-producing provinces or regions of Heilongjiang, Jilin, Liaoning, Inner Mongolia, Hebei, Shandong, Henan, Jiangsu, Anhui, Jiangxi, Hunan, Hubei and Sichuan, while the other 120 are located in 11 non-major grain-producing provinces, regions or municipalities of Shanxi, Zhejiang, Fujian, Guangdong, Guangxi, Chongqing, Guizhou, Yunnan, Shanxi, Gansu, and Ningxia), playing a major role in solidifying the basic conditions of agriculture and raising overall grain production capacity.

135. In recent years, in order to consolidate the results gained by returning farmland to forests, the State has also mobilized the implementation of basic field-construction projects focused on raising the basic food security of ecologically vulnerable areas; such projects are mostly concentrated in impoverished areas in the mountainous western regions of China.

136. In line with substantive conditions in ethnic-minority areas, the Chinese Government has developed and implemented numerous preferential policies and measures to support and assist the economic and social development of ethnic minorities, including the following:

137. First, it has drafted three State-level plans to help ethnic-minority peoples cast off poverty and achieve prosperity more rapidly, as well as accelerate the economic and social development of ethnic-minority regions. The three plans are the Plan for Supporting the Development of Ethnic Minority Groups with Lower Populations (2011–2015), the Action Plan to Bring Prosperity to Border Areas and Peoples (2011–2015), and the Plan for Ethnic Minority Affairs (2011–2015).

138. Second, it is setting up special funding to support the development of production and improve conditions for production and living in impoverished ethnic-minority regions. Continuously expanding the scope of investment under this funding mechanism has played a positive role in further assisting western regions to enhance their basic material conditions. Arrangements for a total of 3.6 billion yuan in funding for ethnic-minority development were coordinated in 2013, an increase of 30 per cent over the previous year; of that, 2.7 billion yuan in funding was provided for 12 western provinces, regions and municipalities as well as the Xinjiang Production and Construction Corps, an increase of 31 per cent over 2012 and representing 75 per cent of overall national development funding for ethnic minorities.

139. Third, it is increasing the scope of support for such basic infrastructure construction as farmland water conservancy schemes and other projects that safeguard and improve the people's livelihood. The plans for border-area prosperity and for development of smaller-population ethnic minorities under the Twelfth Five-Year Plan (2011–2015) are primarily designed for implementation in the western regions; they clearly call for a series of key basic-infrastructure projects as well as for the implementation of a series of key projects to improve and protect the people's livelihood, such as nutrition-improvement plans for rural compulsory-education students, maternal and child health items, the "Blue Skies" plan for construction of child welfare facilities, and raising the standard living-allowance subsidy for boarding students from economically disadvantaged households.

140. Fourth, it is promoting the development of industries with expedient characteristics to spur income growth for the people. With an eye to strengthening comprehensive capacity-building for farming and herding production, vigorously promoting the development of industries with locally-advantageous characteristics, and broadening the channels for boosting the people's income, the plan helps western regions to set up mixed food-security models and coordinate solutions for problems of food insecurity.

141. In order to improve nutrition and health of infants and children in impoverished regions, and raise and popularize awareness of scientific child-rearing, the All-China Women's Federation and the Ministry of Health have jointly implemented a pilot project for improving child nutrition in impoverished regions, with 100 million yuan in financing support from the central fiscal authorities. In 2012–2013, nutrition packets were provided to infants and children ranging from six to 24 months in age in 100 counties located in 10 provinces, regions and municipalities and 8 State-designated contiguous areas with special difficulties throughout the country, preventing infant and child malnutrition and anæmia and improving child health in the impoverished areas. Currently, a campaign against infant and child anaemia and the aforementioned pilot project to improve child nutrition in impoverished regions cover a total of 73 national-level impoverished counties and 100 counties located in State-designated contiguous regions with special difficulties, benefiting some 800,000 infants and children. Coverage will be expanded to 300 counties in 2014, benefiting even more impoverished children's households.

142. In recent years, the Ministry of Finance and the Ministry of Education have taken a series of measures to improve student nutrition. In 2010, they raised the basic subsidized living expenses allowance for boarding students from economically disadvantaged rural families; daily allowances for students at primary and junior secondary schools have been increased to three and four yuan respectively, or 750 and 1000 yuan respectively per year. Last year's investment of 5.7 billion yuan by the central fiscal authorities enabled more than 12 million students in the central and western regions to enjoy the results of this policy. Beginning in 2007, the State implemented a building-renovation project for rural junior middle schools in the central and western regions, with student dining halls as a major focus of construction; one quarter of the 14 billion yuan invested by the central fiscal authorities went to dining-hall renovation. In 2010, the central fiscal authorities provided 8.3 billion yuan to mobilize the implementation of a plan to renovate under-performing rural compulsory-education schools, expanding the scope of renovation of student dining halls and other living facilities. Local authorities, also focusing on improving student nutrition, have taken some effective measures as well, as for example the "Eggs and Milk" school nutrition programme in Shaanxi province, and the measures taken in Chongqing, Zhejiang and Fujian to ensure that children's nutrition levels are raised. Generally speaking, it can be seen that nutrition conditions for rural middle and primary-school students are gradually improving. However, owing to long-standing developmental imbalances in China between urban and rural areas and among regions, economic and social development is comparatively lagging in some places, and nutrition work for rural middle and primary-school students still faces problems. For this reason, the Outline of the National Medium- and Long-term Reform and Development Plan (2010–2020) clearly calls for improving student nutrition and raising nutrition levels for rural students in impoverished areas. Currently, the Ministry of Education and the Ministry of Finance, as well as the National Development and Reform Commission and the Ministry of Health, have undertaken a study of this problem and are in the process of drafting relevant documents, with a view to directing and spurring local authorities to further strengthen their efforts regarding student nutrition, especially in the rural regions of western China.

Question 26: Please provide information on steps taken to address the loss of farmland due to urbanization, industrial development, water pollution and soil erosion, and the impact on food prices and the increasing proportion of the cost of food in the overall household budget of families.

143. The Chinese Government has taken the following measures in this regard:

144. (a) *Strictly observing minimum farmland retention thresholds.* In 2007, the central Government announced that it would "hold the 1.8-billion-*mu* [120 million-hectare] farmland redline"; the farmland administration responsibilities of local governments at all levels were strengthened, stemming the trend toward overly-rapid reduction in arable land. Measures for evaluating farmland-protection responsibility goals have been drafted in 31 prefectures, regions and municipalities throughout the country, with provincial, municipal, county and township officials signing farmland-protection responsibility documents at their respective levels, as well as carrying out evaluations of municipal and county targets and setting up corresponding rewards and penalties.

145. (b) *Implementing "balanced requisition and compensation".* Since the beginning in 2004 of strict implementation of a system requiring compensation in kind for farmland requisitioned for development, the trend toward rapid reduction in farmland has been controlled. As this system is implemented, supervision is continuously strengthened to prevent the practice of taking good land and returning poor land and to ensure that not only the quantity but the quality of land provided in compensation match those of the land originally requisitioned.

146. (c) *Strengthening farmland protection*. Beginning in 2008, examinations of provincial government compliance with farmland-protection responsibility goals have been carried out in the name of the State Council for the last five years in succession, emphasizing the goals and responsibilities of provincial governments for farmland protection; details of farmland quantity and quality protection and construction are incorporated in the scope of the examination, and farmland quality management is incorporated into the daily agenda of government, strengthening awareness of farmland quality protection in province-level people's governments. In 2009, the Ministry of Agriculture and the Ministry of Land and Resources jointly issued the Notice on the Permanent Protection of Delimited Basic Farmland and the Notice on Strengthening Development and Administration of Compensatory Farmland Quality for Balanced Farmland Requisition and Compensation, clearly setting out the protection of basic farmland in perpetuity, and emphasizing quality requirements for compensatory farmland as well as the need for examination of compensatory farmland before its acceptance and subsequent improvement with fertilizers. Moreover, the State attaches a high degree of importance to farmland capital construction, continuously increasing its investment in that area. The Overall Plan for High-Standard Farmland Capital Construction proposes building a foundation of 400 million *mu* [26.667 million hectares] of high-standard farmland during the Twelfth Five-Year Plan, and an additional 400 million *mu* during the Thirteenth Five-Year Plan.

147. (d) *Strengthening technology propagation*. With regard to measures for building farmland quality, the Government is working to increase overall farmland productivity, using the three approaches of facilities construction, soil reclamation and soil fertilization. In 2005, the State undertook the implementation of a soil testing and fertilizer subsidy programme, in which the central fiscal authorities had invested a cumulative 7.1 billion yuan by 2013, basically covering all agricultural counties and farms and extending the technology to 1.4 billion *mu* [130.667 million hectares] of land. In 2006, the State increased its subsidies for an organic matter soil enrichment programme, and by means of technical subsidies, began encouraging and guiding farmers to return agricultural straw to fields, restore the use of vegetable fertilizer, and increase the application of commercial organic fertilizers. The Government is also comprehensively promoting deep soil tillage and loosening, to address problems of thinning topsoil, thickening plough pan and soil compaction prevalent in north and northeast China and the region of the Yellow, Huai and Hai Rivers. To address worsening trends of soil acidification and salinization and improve the soil-ecology environment, it is promoting acidic-soil remediation technology in key areas of the southern China rice belt, and promoting alkaline-soil and saline-soil remediation technologies in the installation agriculture region of eastern China and in key areas of the inland irrigation region of western China.

Question 27: Please provide information on steps taken, and their impact, to address the problem of urban air and water pollution, in particular in highly industrialized areas. Please also provide information on steps taken to address water shortages in northern China.

148. **Prevention and control of air pollution**. The Chinese Government attaches a high degree of importance to the prevention and control of air pollution. Positive progress has been made in this area in recent years, the primary manifestations of which are as follows:

149. (a) *An action plan on air pollution*. To address the problem of haze pollution, the State Council issued the Air Pollution Prevention and Control Action Plan in September 2013, containing substantive prevention and control proposals in ten areas, including deepening pollution controls and optimizing industrial structures. It is striving for a reduction of more than 10 per cent in the density of inhalable particles in prefecture-level municipalities and above, relative to 2012, with the number of good air-quality days

increasing year by year, as well as a reduction in the density of fine particulates in the Beijing-Tianjin-Hebei region, the Yangtze River Delta and the Pearl River Delta by 25 per cent, 20 per cent and 15 per cent respectively, along with controlling the yearly average density of fine particulates in Beijing municipality at around 60 micrograms per cubic metre of air.

150. (b) *Boosting pollutant-emission reduction.* The Twelfth Five-Year Plan calls for reductions in overall carbon-dioxide (CO_2) and nitrogen-oxide (NO_X) emissions by 8 per cent and 10 per cent respectively. China has instituted a series of forceful policies and measures as binding targets that must be attained; in 2012, overall CO_2 emissions had fallen by 6.62 per cent from their 2010 levels, while those for NO_X were turning downward for the first time.

151. (c) *Implementing new environmental and air-quality standards.* In February 2012, the Ministry of Environmental Protection issued the Ambient Air Quality Standards (GB3095-2012), tightening limits on inhalable-particulate (PM_{10}) and nitrogen- dioxide (NO_2) concentrations and adding limit values for eight-hour ozone and fine-particulate ($PM_{2.5}$) concentrations. By the end of 2012, implementation of the new standards was beginning in the Beijing-Tianjin-Hebei region, the Yangtze River Delta and the Pearl River Delta as well as in provincial capitals (including those directly administered by the central Government), and $PM_{2.5}$ monitoring information was being released in real time.

152. (d) *Implementing the Plan for Regional Prevention and Control of Air Pollution under the Twelfth Five-Year Plan.* Issued in September 2012 and recently approved by the State Council for implementation, the scope of the regional plan encompasses 13 key areas including the Beijing-Tianjin-Hebei region, the Yangtze River Delta and the Pearl River Delta, involving 19 provinces and 117 municipalities at the province level and above.

153. As its next step, China will take the implementation of the Action Plan for Air Pollution Prevention and Control as an opportunity to broaden the overall scope of its governance, and to effect practical improvement in environmental air quality.

154. **Prevention and control of water pollution**. China is actively implementing a strategy of sustainable development, and views protection of the water environment as an important part of that strategy. It is continuously broadening the scope of water-environment problem resolution and has achieved significant results, with sustained improvement in river-basin environments, steadily rising levels of drinking-water safety, and overall stability in sea-water quality. It has taken the following major measures in this regard:

155. (a) *Continuously improving the protection of drinking water sources.* The Water Pollution Prevention and Control Law contains a specific section on protecting drinking water sources and other special bodies of water, indicating the high degree of importance that the Government attaches to the drinking water crisis, as well as its determination to manage it. The Ministry of Environmental Protection has organized the centralized evaluation of environmental conditions of drinking-water sources for municipalities at the prefectural level and above, and has compiled and issued the National Plan for Environmental Protection of Urban Watersheds (2008–2020); it has also mobilized protection of the ecological environments of lakes with good water quality. The central Government is currently supporting the protection of the ecological environments of 54 lakes.

156. (b) *Implementing rigorous aggregate pollutant emissions-control systems.* During the period of the Eleventh Five-Year Plan (2006–2010), the 2010 levels of aggregate chemical oxygen demand (COD) and sulphur-dioxide emissions nationwide decreased from their 2005 levels by 12.45 per cent and 14.29 per cent respectively; binding pollution-reduction targets were newly added for ammonia-nitrogen (NH3-N) and nitrogen oxide

pollutants; and chemical oxygen demand values and sulphur dioxide emissions decreased by 8 per cent, and NH3-N and nitrogen oxides decreased by 10 per cent, during the same period.

157. (c) *Gradually legislating a regional approval-limitation system.* Since 2006, the Ministry of Environmental Protection has been refusing to process or approve, or provisionally suspending approval of, environmental-impact assessments that do not meet its requirements. The frequent limitation of such approvals by region or by industry has effectively stemmed environmentally unlawful actions.

158. (d) *Strengthening the local-government responsibility assessment system.* In May 2009, the General Office of the State Council relayed the Interim Measures on Assessment of Implementation of Water Pollution Prevention and Control Planning for Key River Basins and completed the establishment of a provincial boundary cross-sectional water-quality assessment system, which has become a pivotal tool in the prevention and control of water pollution in key river basins.

159. (e) *Gradually perfecting an environmental-emergency response mechanism.* The Ministry of Environmental Protection has set up a special emergency response centre and compiled a database of environmental emergency-response specialists. Nationwide, a majority of province-level environmental protection authorities have also set up dedicated environmental emergency-response management organs, which have dealt appropriately with a series of major ecological incidents of great concern to the public.

160. (f) *Steadily carrying forward a river-basin ecology compensation system.* The Ministry of Environmental Protection is actively exploring the establishment of such a system, and has set up advanced river basin ecology-compensation pilot projects in the Xin'an, Dong and Jiulong Rivers.

161. (g) *Assessing planning and implementation of key river-basin water-pollution prevention and control projects.* In accordance with the Interim Measures on Assessment of Implementation of Water Pollution Prevention and Control Planning for Key River Basins relayed by the General Office of the State Council, the Ministry of Environmental Protection, in conjunction with seven other Government departments including the State Commission on Development and Reform, carried out separate assessments of the implementation in 2012 of the Plan for Prevention and Control of Water Pollution in Key River Basins (2011–2015) and the Plan for Prevention and Control of Water Pollution in the Middle and Lower Yangtze River Basin (2011–2015) by the people's governments of 25 provinces, autonomous regions and municipalities directly under the central Government in March and April 2013. Generally speaking, provinces and regions are steadily intensifying and strengthening measures for fully implementing plans to prevent and control water pollution in key river basins, and are achieving gratifying results.

162. **Resolving the problem of water shortages in northern China**. The Chinese Government has taken the following measures to effectively meet the economic and social development needs of the northern China region and promote the sustainable use of its water resources:

163. First, the development, use, protection and conservation of water resources are being scientifically planned at the highest level. As an example, the Chinese Government has been developing comprehensive water-resource planning on a national scale since 2002; it has mapped out the general concepts for future sustainable water-resource use and for river-basin and regional control indicators, formulated national, river-basin and regional water-resource allocation plans and strategies, and proposed designs for carrying out the strictest water-resource management system. Additionally, since 2007, it has been organizing and developing a new round of revisions of the general plan for seven river basins, and has further specified upper-limit control indicators for river and lake development and

utilization, along with river-basin and regional water-resources allocation plans. A third example is the issuance of the Opinions of the State Council on Implementing the Strictest Water-Resources Management System, taking the design proposals in the comprehensive water resource plan and elevating them to the national level; these established the "three red lines" management measures for controlling the development and use of water resources, efficiency of water use, and pollution limitation in water function zones, and specified control indicators and progressive targets for the development and utilization of water resources and for their conservation and protection. Methodology for their assessment was introduced in 2013.

164. Second, water resources are being rationally allocated and regional water-resource carrying capacities are being raised. In the light of river-basin and regional water-resource carrying capacities, China has implemented a series of water-resource allocation projects, such as the first-phase eastern and central routes of the South-to-North Water Transfer Project, the Shanxi Wanjiazhai Yellow River Diversion Project, and the Gansu Yintao project; accelerated the formation of a comprehensive water-resources allocation framework at the national level; and raised the overall carrying capacity of China's water resources, thereby relieving the conflict between supply and demand in the water-deficient areas of northern China. Since 2011, some 10 billion cubic metres of new water-supply capacity have been added in the northern region. A second example is the rational allocation of water resources and the optimization of the water supply and utilization structure. The use of water in agriculture is continuing to decrease, while industrial water use has increased somewhat; daily-life, ecological and environmental water use are increasing every year. The over-extraction of groundwater is gradually slowing, while the use of water obtained through sewage processing and recycling, rainwater collection, seawater desalination, mining and other unconventional techniques is increasing; the supply of water from such unconventional sources in northern China has grown from 64 million cubic metres in 2000 to 3 billion cubic metres in 2011, increasing from 2.5 per mil to 10.6 per mil of the overall water supply. A third example is the organization and implementation in recent years of numerous emergency water diversions to resolve the water problems of places like Beijing and Tianjin, such as conveying water from Hebei and Shanxi to Beijing and diverting Yellow River water to Tianjin, Hebei and Baiyang Lake, thereby ensuring water security and social stability.

165. Third, water conservation is being vigorously promoted and the efficiency of water resource utilization is being raised. For example, the Chinese Government is implementing the strictest water-resources management system. The Opinions of the State Council on Implementing the Strictest Water-Resources Management System established the "three red lines" management measures for controlling the development and use of water resources, efficiency of water use, and pollution limitation in water function zones, and built upon them to create a mechanism for reversing water-resource constraints. Accordingly, adjustments are being made in industrial structure, with the vigorous development of low water-consumption industries, and the adaptation of economic and social development to the environmental carrying capacity of the water-resources environment is being promoted on the basis of these mechanisms. Another example is the forceful promotion of water-conserving social construction, strengthening of water-conservation management, and active pushing forward of water pricing reform. Some 100 water-conserving social construction pilot projects like the one in Zhangye City have been successively established at the national level, and 200 more such pilot projects have been set up at the provincial level by provinces, autonomous regions and municipalities, affording a range of experience in water-conserving social construction for various types of locality, setting a leading example and effectively spurring the social construction of water conservation at the regional level. Improving the legislative framework for water conservation and establishing a Government-led, market-regulated water-conserving mechanism in which the public is

involved will make water conservation an integral part of every facet of the development and utilization of water resources, as well as of the overall process. Exploring and fully acknowledging the reality of China's lack of water resources and following the rules of the market economy, while giving due consideration to what is socially acceptable and fair, will give rise to a water-pricing mechanism that leads to saving water, allocating water resources reasonably and using them sustainably. A third example is the accelerated promotion of water-conserving irrigation: the Chinese Government has introduced the National Outline for Water Conservation in Agriculture (2012–2020), implementing campaigns to increase grain production while conserving water in north-eastern China as well as large-scale high-efficiency irrigation in northern and north-western regions, and prioritizing the development of water-conserving irrigation in grain-producing regions and localities suffering severe water shortages and other environmental weaknesses. Water-conserving irrigation-project construction and the spread of associated technology are being accelerated, and with the active popularization of agricultural and biotechnology water-conservation measures and the continuous increase in land area under water-conserving irrigation, the irrigated-water utilization rate is steadily rising. As of 2011, some 250 million *mu* [16.667 million hectares] of land in northern China were under water-conserving irrigation, representing about two-fifths of the overall area of irrigated land; 120 million *mu* [8 million hectares] of land, or about one-fifth of the overall total, are under high-efficiency water-conserving irrigation projects, conserving nearly 20 billion cubic metres of water per year.

166. Fourth, the scope of water-resources and environmental protection is being enlarged, and the construction of a "water-ecological civilization" is being promoted. One example is the implementation of integrated water resource regulation in the Yellow River basin since 1999, maintaining the flow of the main channel despite relatively low water levels for the past six years. A second example is that in an effort to protect and improve the downstream ecological environment of the Hei and Tarim Rivers, water has been transferred to the downstream section of the Hei River for several years running, in accordance with the Short-Term Administration Plan for the Hei River Basin and the Comprehensive Short-Term Administration Plan for the Tarim River Basin; some 36 square kilometres of water have appeared in the long-dry East Juyan Terminal Lake; the Tarim River, whose downstream section had been dry for more than 20 years, has had its flow restored since 2001; and the surface area of Taitema Terminal Lake has reached more than 200 square kilometres, giving the green corridor a new lease on life. A third example is the implementation of water resources reallocation projects, like the emergency ecological water replenishment of the Nansihu lakes and the Zhalong Wetlands, and the diversion of water from Yuecheng Reservoir and the Yellow river to Baiyang Lake, as well as from the Cha'ersen Reservoir to the Xianghai Wetland, which have had beneficial ecological and social effects. A fourth example is the implementation of strict protections for ground water, proactively boosting control and remediation in northern China and other areas where ground water has been seriously over-extracted, with some key areas achieving successes in ground water exploitation and limitation. A fifth example is the construction of 14 water ecosystem protection and remediation pilot projects of various types, spurring the creation of several "water ecological civilization" cities, and guiding all sectors of society in building a "water ecological civilization". A system of health indexes has been drafted for protecting water resources and the health of rivers and lakes, and periodic evaluations of the health of rivers and lakes are being conducted, fully realizing the role of the river and lake health spokesman in protecting their health.

Question 28: Please provide updated information on progress achieved in ensuring access to adequate housing for low-income households and other disadvantaged and marginalized groups and individuals, in particular those living in urban areas, including through the provision of social housing units. Please also provide statistical data on the extent of homelessness in the State party.

167. The Chinese Government attaches a high degree of importance to resolving the housing problems of low-income urban households. The central Government has stated that it will work to ensure that all people have housing. The Twelfth Five-Year Plan clearly states that 36 million units of subsidized urban housing and shantytown-clearance housing are to be built during the period of the Plan, so that subsidized urban housing coverage reaches roughly 20 per cent nationwide by the end of the Plan period in 2015. Since 2010, China has continued to vigorously implement the programme of resettlement in urban subsidized housing; accelerated the construction of subsidized low-rent housing, publicly-owned rental housing, affordable housing and price-restricted commercial housing; and boosted the five major types of shantytown redevelopment, comprising urban shantytowns, State-owned industrial and mining shantytowns, State-owned forestry-area shantytowns and dilapidated housing, dilapidated agricultural-reclamation housing, and local shantytowns in mining districts devolved by the central authorities, accelerating the resolution of the housing problems of poor and middle-income urban households and achieving remarkable results. From 2010 to 2013, construction was started on some 30.8 million units of subsidized urban housing and shantytown redevelopment housing, with 19.47 million units basically completed. As of the end of 2013, the housing difficulties of a cumulative 36 million urban households had been resolved.

168. Work has been launched in the following areas:

169. (a) *Actively introducing target-responsibility administration systems at all levels.* Subsidized resettlement housing project construction is seen as a major initiative for expanding domestic demand and boosting economic growth. State Council leaders have convened numerous meetings to study support policies, and local governments are meticulously implementing them. All Government departments are closely cooperating to create a housing-subsidy working mechanism in which overall responsibility is held at the provincial level, cities and counties carry out the substantive implementation, and the central Government provides support. Each year, subsidized resettlement housing project coordinating groups sign agreements with people's governments at the provincial level on responsibilities for subsidized-housing targets, and corresponding target responsibility administration mechanisms are set up in each locality. The National People's Congress, the National Political Consultative Conference, the Central Commission for Discipline Inspection and the relevant organs of the State Council are strengthening their supervision and guidance by means of special investigations and inspections. The Ministry of Supervision and the Ministry of Housing and Urban-Rural Development include subsidized-housing construction in the scope of their supervision and accountability assessment of localities.

170. (b) *Exploring multi-level systems for urban subsidized housing.* Since 2010, governments at all levels have actively explored a multi-level approach for urban subsidized housing systems. Localities are focusing on the reality of the housing needs of newly-employed workers, migrant labourers and lower-middle-income families brought on by rapid urbanization, and prioritizing the development of public rental housing. At the same time, the development of low-rent housing is being accelerated and the system for providing it is being improved in order to address the housing difficulties faced by the lowest-income households; some cities where housing prices are rising relatively quickly are continuing to develop an appropriate level of subsidized affordable housing and price-restricted commercial housing for purchase. Moreover, to address the housing needs of the

majority of residents of urban, industrial and mining (including coal-mining), forestry-area and agricultural-reclamation shantytowns as well as the problems of those living in unfavourable environments, localities are accelerating shantytown redevelopment of all kinds. Through exploration and practice, the preliminary outlines of a multi-layered urban housing subsidy system are taking place, separately providing low-rent or publicly-owned rental housing, and affordable or price-restricted commercial housing for purchase, according to the needs of groups with a variety of housing difficulties, along with resettlement housing in redeveloped shantytowns.

171. (c) *Improving housing subsidies support policies*. The State implements policies for land-supply priority, financial assistance, tax relief and credit support. To facilitate residents' access to employment, medical care, education and travel, subsidized housing is built insofar as possible in areas of active development, with convenient transportation and well-furnished with facilities; land for development is given priority as a specific line item in yearly land-use planning, and all projects entitled to subsidies receive them. Central and local authorities are increasing their development subsidies yearly; it is estimated that some 1.1 trillion yuan were spent on urban subsidized-housing construction projects by fiscal authorities at all levels from 2010 to 2013. Of that figure, some 580 billion yuan were funded in the central Government budget. Subsidized housing construction and administration are given tax reductions or exemptions, and granted favourable rates for electrical and other basic-infrastructure project costs. A cumulative 89.3 billion yuan in housing loans were issued to support subsidized housing construction pilot projects in the 2010–2013 period. The People's Bank of China and the China Banking Regulatory Commission have introduced a subsidized housing project credit support policy, under which the balance of subsidized-housing construction loans by banking and financial institutions stood at 785.5 billion yuan at the end of September 2013. Qualified local financial platforms and other enterprises are supported in issuing corporate bonds and medium-term notes for specific use in subsidized-housing development. From 2010 to October 2013, the raising of some 300 billion yuan in subsidized-housing financing was approved; some 300 billion yuan in corporate notes were approved for subsidized-housing fund raising, and qualified enterprises issued 44.7 billion yuan in non-public debt-financing instruments in the interbank bond market. The participation of private capital in subsidized-housing development is encouraged; it enjoys the same discount rates, investment allowances and other support policies as those for State-owned enterprises.

172. (d) *Establishing and improving an administrative system for subsidized housing*. In accordance with the provisions of the Measures for Guaranteeing Low-rent Housing and the Measures on the Administration of Affordable Housing, local authorities have been improving their own administrative measures in the light of substantive conditions since 2010. In 2011, the State Council introduced the Opinions on the Guidance of Construction and Administration of Subsidized Resettlement Projects, mapping out the aims and tasks of resettlement-project construction and a series of related policies and measures. In 2012, the Ministry of Housing and Urban-Rural Development joined the National Development and Reform Commission, the Ministry of Finance and other related Government departments in drafting the Measures on the Administration of Public Rental Housing, improving policies and measures regarding the construction, allocation and ongoing administration of public rental housing. The central Government formally initiated legislative work on subsidized housing in 2012. In 2013, the State Council issued and implemented the Opinions on Accelerating Shantytown Redevelopment, proposing the redevelopment of 10 million homes in shantytown areas of all kinds during the 2013–2017 period and laying out the related land, taxation and fiscal support policies. In 2013, the Ministry of Housing and Urban-Rural Development joined other related Government departments in issuing the Circular on the Combined Operation of Public Rental Housing and Low-rent Housing; the operational combination of public rental housing and low-rent housing will begin in 2014.

173. Turning to rural housing, work has begun on redevelopment of dilapidated housing in rural areas. From 2010 to 2013, the central Government invested a cumulative total of 91.972 billion yuan in support of the renovation of 12.16 million impoverished rural homes. Rural dilapidated housing renovation is focused on assisting villagers living in dilapidated housing by providing decentralized housing security solutions at the most basic level for Five Guarantees-recipient households, Subsistence Security-recipient households, the families of impoverished disabled persons, and other impoverished households. In determining the recipients of subsidies, governmental authorities adhere to principles of openness, fairness and justice, and carry out the procedures in such a way as to ensure that rural households' applications for the programmes are voluntary, reviews are carried out collectively in the villages, auditing is done by the village or town authorities, and examination and approval takes place at the county level.

174. China currently lacks statistical data on the numbers of homeless in the strict sense of the term; the vast majority of vagrants and beggars are persons who have fallen into temporary living difficulties far from home owing to failure to find work, failure to find relatives, or have been the victims of robbery or theft. In 2003, the State Council issued the Administrative Measures on Relief for Urban Vagrants and Beggars without Living Support, stipulating the temporary food, shelter, medical-care and home-town return assistance services that rescue stations must provide to assistance recipients; vagrants and beggars without means of support may seek assistance from rescue stations at any time. In 2012, 2,031 rescue agencies throughout the country provided a total of 2.766 million instances of assistance to such persons, with the duration of stay averaging three to four days; of these, assistance was provided to vagrant minors in 152,000 instances, to the elderly in 290,000 instances, to the disabled in 186,000 instances, and to the severely ill or mentally handicapped in 142,000 instances. Assistance of all kinds in transferring persons to other provinces was provided in 123,000 instances.

Question 29: Please provide information on steps taken to implement the 2011 Regulation on the Expropriation of Houses on State-owned Land and Compensation, as well as other steps to prevent land takings and forced evictions. Please clarify whether the regulation will be amended to extend protection to tenants and rural residents. Please provide statistical data on the number of forced evictions, on an annual basis, and clarify whether such evictions are preceded by consultations with residents with a view to seeking their prior and informed consent. Please clarify whether authorities have resorted to deprivation of services, such as water, heat or electricity, as well as violence in order to forcibly evict residents from their homes.

175. **Enforcement of the Regulations on the Expropriation of Houses on State-owned Land and Compensation (hereinafter referred to as the "Regulations").** Measures taken in this regard include the following: expanding publicity about and training on the Regulations, with an emphasis on raising awareness of the legal system among relevant staff of local housing-expropriation departments; drafting the Measures on the Assessment of Houses on State-owned Land to Be Expropriated, and ensuring fair compensation for expropriated houses; studying ways to resolve major situations and problems encountered in the process of enforcing the Regulations, and promoting the development of expropriation work consistent with laws and norms; and supervising and guiding local authorities in setting up and perfecting regulations and policies in support of the Regulations. In accordance with the requirements of the General Office of the State Council in this regard, the Ministry of Housing and Urban-Rural Development, the Ministry of Land and Resources, the Ministry of Supervision, and the Legislative Affairs Office have formed a joint inspection group to oversee and inspect the implementation of land expropriation, housing demolition and relocation systems in certain provinces and municipalities, and to safeguard the lawful rights and interests of the general public; to carry out the unified

disclosure of government information, presenting clear requirements regarding the open disclosure of the content, scope, manner as well as the supervision and inspection of housing expropriation and compensation, thus increasing the transparency of information related to housing expropriation, and fostering openness, fairness and impartiality in housing-expropriation work; and to maintain the joint nature of the working mechanism for supervision and operations, with the Ministry of Housing and Urban-Rural Development, the Ministry of Supervision, the Ministry of Land and Resources, and other related Government departments resolutely investigating and disposing of typical cases of housing expropriation, demolition and relocation in violation of the laws and regulations, and carrying out investigations of problems of unlawfulness, failure to adhere to standards, unreasonable compensation, and failure to implement security guarantees in housing expropriation, demolition and relocation procedures.

176. **The issue of forced evictions**. The Chinese Government resolutely opposes violent expropriation, demolition and relocation in contravention of laws and regulations, and requires that during expropriation, demolition and relocation, the lawful rights and interests of citizens must be protected, their practical difficulties must be appropriately resolved, and the normal order of their productive activities and daily lives, as well as overall social harmony and stability, must be protected. To press local governments to carry out land expropriations, demolitions and relocations in accordance with the laws and regulations, supervision and control are continuously being strengthened, with the implementation of land-expropriation, demolition and resettlement regulations subject to non-scheduled special examination; illegal forcible demolitions or evictions are rigorously investigated to find the work units or individuals responsible.

177. Enforced administrative housing expropriation, demolition and relocation have been removed from the institutional framework of current administrative laws and regulations related to housing expropriation; governmental authorities must apply to a court as a precondition for enforcing demolition or relocation, and the use of unlawful means to compel the relocation of persons whose housing is being expropriated is prohibited. These regulations include the following two main elements:

178. First, the regulations governing enforced compensation decisions have been clarified. Article 26 of the Regulations stipulates that "if a compensation agreement cannot be reached by the building expropriation department and an owner within the contracting period as determined in the expropriation and compensation plan, or the owner of the building to be expropriated is unclear, the building expropriation department shall report it to the people's government at the city or county level which makes the building expropriation decision for making a compensation decision under the expropriation and compensation plan in accordance with this Regulation, which shall be announced within the scope of expropriation. … An owner who disagrees on a compensation decision may apply for administrative reconsideration or file an administrative lawsuit according to law." Article 28 stipulates that "Where an owner does not apply for administrative reconsideration or file an administrative lawsuit within the statutory time limit and fails to relocate within the time limit as determined in the compensation decision, the people's government at the city or county level which makes the building expropriation decision shall apply to the people's court for enforcement according to law." Moreover, in order to lawfully and correctly handle cases in which people's governments at the city or county levels have applied to the people's courts for enforced expropriation of buildings on State-owned land and compensation, and safeguard the lawful rights and interests of the owners of the buildings being expropriated, the Supreme People's Court has issued the Regulations on Some Problems Concerning Applications to the People's Courts for Expropriation of Buildings on State-owned Land and Compensation, which lays out corresponding regulations on the acceptance, review, adjudication and implementation of such enforcement cases.

179. Second, actions that are prohibited during building expropriation, and their corresponding legal liabilities, have been defined. In the process of carrying out building expropriations, demolitions and relocations prior to January 2011, there were a number of representative cases of violations of the laws and regulations in which a minority of demolition and relocation personnel resorted to unlawful means to execute enforced demolitions and relocations by forcibly causing the people whose houses were affected to relocate, resulting in serious injury to their persons and damage to their property. In order to prevent the occurrence of similar incidents, and protect the lawful rights and interests of persons whose property is being expropriated, article 27 of the Regulations stipulates that "No entity or individual shall force an owner to relocate by violence or threat, by cutting off the supply of water, heating, gas or electricity or road passage in violation of the relevant provisions or by any other illegal means. Construction entities shall be prohibited from involvement in relocation activities." Article 31 stipulates that "Whoever forces an owner to relocate by violence or threat, by cutting off the supply of water, heating, gas or electricity or road passage in violation of relevant provisions or by any other illegal means, causing losses, shall be liable for compensation according to law; and the directly responsible person and other directly liable persons shall be subject to criminal liability according to law if a crime is constituted, be subject to disciplinary actions if no crime is constituted, or be subject to public security administration punishment according to law if a violation of public security administration is constituted."

180. Under the provisions of the Land Administration Law, to meet the needs of the public interest, the State may lawfully expropriate land owned by rural collective organizations; in the expropriation process, compensation is provided to farmers for housing structures as items attached to the land, at rates determined by people's governments at the provincial level. In 2010, the Ministry of Land and Resources Circular on Further Improving Expropriation Administration Work proposed that compensation and resettlement of peasants whose houses are demolished pursuant to land expropriations must be carried out in accordance with the principle of resettlement before demolition; forcible demolition and relocation in violation of laws and regulations must be resolutely deterred and corrected. It also proposed requirements in principle for compensated resettlement, in that relocation and resettlement shall be applied in distant suburbs and rural areas, with new resettlement housing being built for the purpose, while compensation in cash or kind shall be applied for relocations from urban-fringe areas and urban villages, with peasant households purchasing their own housing or being resettled in government-provided housing.

181. To safeguard the rights of farmers whose land has been expropriated to information, participation and oversight, China has formulated a set of strict land-expropriation procedures. These clearly require that prior to being approved, land expropriations must undergo a process of "notification, confirmation and testimony", in which the farmers whose land is being expropriated must be notified of its intended use, location, compensation rate and resettlement channel, and their views must be fully heard; and the results of on-site investigations must be confirmed by the collective economic organizations and the farmers of the village in which the land being expropriated is located, with formal hearings being organized as necessary. Once the expropriation has been lawfully approved, the process of "two announcements and one registration" (in which the land expropriation and the compensation and resettlement plan are announced and the compensation is registered) is carried out; the details of the land-expropriation approval and the compensation and resettlement plan are again made known to the farmers whose land is being expropriated, and collective economic organizations and of the farmers of the village in which the land being expropriated is located are again given the opportunity to express their views; those who disagree with the compensation and resettlement plan may apply to the people's government for arbitration. Moreover, strict standards are applied in the review

of expropriations; expropriations for which the procedural details are inadequate, whose compensation rates fail to comply with the regulations, or whose resettlement plans are infeasible, will be uniformly rejected.

Question 30: Please provide information on steps taken to stop non-voluntary resettlement of nomadic herders from their traditional lands and non-voluntary relocation or rehousing programmes of other rural residents, in particular in Tibet Autonomous Region, Sichuan, Qinghai, Inner Mongolia and Xinjiang Autonomous Region.

182. The Chinese Government has taken no measures whatsoever to implement involuntary relocation or resettlement of ethnic-minority farmers and herders in the Tibet Autonomous Region, Sichuan, Qinghai, Inner Mongolia or the Xinjiang Uyghur Autonomous Region. China's nomadic pastoralists have been following a lifestyle of moving from place to place in search of water and grass for the past several thousand years; this kind of lifestyle is characterized by instability; not only does it adversely impact their productivity, but it also influences their lives. Appropriately settling them could change their lifestyle, not only benefiting the development of production but also helping these nomadic pastoralists to further develop themselves and enjoy modern civilization. The specifics of where to settle them and by what means should be scientifically designed and comprehensively arranged by the local government in accordance with the substantive conditions of the locality and on the basis of full respect for the wishes of the ethnic minority peoples concerned.

183. A nomadic-pastoralist settlement construction project has been under implementation in Xinjiang since 2009; the planning and design, choice of location and overall framework of the project all fully respect the ethnic traditions and the production and living customs of the local herders, and also fully respect their thoughts and ideas, thereby further promoting economic development and social harmony in the herding regions. During the period of the Twelfth Five-Year Plan, cumulative State investment in Xinjiang will total 2.139 billion yuan, completing the resettlement of 55,460 nomadic pastoralist households and benefitting 266,000 nomadic pastoralists in Xinjiang. The implementation of the nomadic-pastoralist settlement project has improved the production and living conditions of the herders, and is bringing them, originally scattered with their herds, to settle in places equipped with running water and electricity, excellent facilities and much more convenient access to information. It has raised their income level, and practically improved the poverty and backwardness that characterized the grazing regions. Currently, per capita herder income in Xinjiang has reached 3,360 yuan, with settled herders' incomes reaching 4,500 yuan, higher than the average. This has spurred the region's economic and social development and broken through the traditional unitary, closed-off development model, diversifying the region's economy and adapting it to the market mechanism. It has also improved the region's environment, effectively limiting grassland shrinkage and desertification due to over-grazing, and raising the carrying capacity of the ecological environment.

184. In order to fundamentally improve the dwelling environment and basic infrastructure conditions for farmers and herders in the Tibet Autonomous Region, implementation of a settlement programme for farmers and herders began in 2006 with a focus on renovating dilapidated rural housing, revitalizing border areas and enriching their inhabitants, settling nomadic pastoralists, and moving people out of poverty. A cumulative total of 1.74 million farmers and herders, or 75 per cent of the overall farmer and herder population, have moved into safe and practical housing; 1.888 million of them now have access to electricity and 1.809 million to safe drinking water. The Government has provided basic public-service infrastructure like cultural facilities, clinics, schools and shops in every settlement. With 929 million yuan in financing and settlement project construction completed for 59,600

farmer and herder households in 2012, the dream of a better life is becoming a reality for the common people of all ethnic groups in Tibet.

185. The settlement programme allows the masses to move out of poor and dilapidated old houses, some of which was shared with domestic livestock, and move into spacious and comfortable new houses to enjoy the fruits of social development and live a modern and civilized new life. The great majority of farmers and herders are still living on the same land that they have for generations, and following their own traditions, while the Government provides them with more centralized, convenient and modernized basic infrastructure and public services. As the programme is implemented, Tibet is drawing on "some Government support, some assistance from Tibet-aid organizations, some loans from banks and some contributions from the public"; depending on varying conditions, rural households have access to free Government grants of from 10,000 to 25,000 yuan, in addition to discount Government loans for farmers, greatly reducing the burden of house-building for farmers and herders and thus welcomed by the public.

186. Similar programmes in Tibetan-inhabited areas outside of Tibet itself are also welcomed by the public. For example, in 2009 Sichuan proposed to invest 18 billion yuan over four years (with a central-Government investment of 500 million yuan) to construct 1,409 herder settlements, with public facilities like schools, clinics, residents' activities centres, and shops included. Moreover, in its "New Life Tent" campaign, every herder has been issued a new, scientifically-designed tent, the product of Government-funded research, that is resistant to ultraviolet radiation and insulated against external heat while maintaining internal warmth, and is equipped with a set of nine accessories (including a solar-powered satellite television, a folding steel-frame bed, and a milk separator) for production and daily life. In the plains around Ganze and Aba in Sichuan, the new homes of herders can be seen everywhere along the roadways, along with the spotless new white tents dotting the grasslands. Many herders are enjoying the fruits of the nation's reform and development, becoming accustomed to sleeping in beds and realizing the importance of sending their children to school; they are also learning to plant vegetables, sweep their floors and use modern electric appliances.

187. In order to alleviate severe ecosystem degradation in the Sanjiangyuan region of Qinghai that contains the headwaters of the Yangtze, Yellow and Lantsang [Mekong] Rivers, the State is reducing environmental damage due to human factors. In 2005, the State Council approved the General Plan for Ecological Protection and Construction in the Qinghai Sanjiangyuan Nature Preserve, organizing the transfer of human populations from the Sanjiangyuan core region for ecological purposes, thereby protecting and restoring the region's ecological function, and encouraging sustainable development and harmony of humans and nature; nearly 60,000 people, or 25 per cent of the region's population, have been relocated, with most of the necessary funding coming from the State. The production and living conditions of the relocated population have been improved, fostering the growth of follow-up industries and increasing incomes, and the project is proceeding smoothly.

Article 12 – The right to physical and mental health

Question 31: Please provide information on steps taken to ensure access to public health care services in rural and remote areas. Please provide information on steps taken to address the imposition of prohibitive user fees for health care in hospitals. Please also provide information on steps taken to address the high maternal, infant and child mortality rates in rural and remote areas, in particular in the Tibet Autonomous Region.

188. The Chinese Government attaches a high degree of importance to the lives and health of women and children in rural and remote areas. For many years, in focusing on

protecting the health rights and interests of women and children, on the goal of improving women's and children's health, and on persevering in the thorough implementation of the Maternal and Infant Health Care Law and of China's National Programmes for Women's and Children's Development, China has progressively improved women's and children's health legislation and policies, continuously strengthened the health services system for women and children, implemented public health services programmes for women and children, promoted and popularized appropriate technology for women's and children's health, and worked to increase the fairness and accessibility of health services for women and children. Rates of maternal and child mortality are currently continuing to decrease significantly in rural and remote areas, in particular in the Tibet Autonomous Region.

189. In 2009, the Chinese Government initiated a national basic public-services programme, under which urban and rural primary medical and health institutions provide permanent residents with free basic public health services, including setting up health-documentation records and providing health management for pregnant women and mothers, children from birth to six years of age, the elderly, and persons suffering from chronic illnesses. Recipients of services under the programme are permanent residents of the jurisdictional area or region concerned; in other words, all residents are eligible for corresponding free basic public-health services regardless of birthplace or household registration, even if they live in rural or remote areas of the municipality.

190. The gap between urban and rural maternal mortality rates is gradually shrinking. In 2012, urban and rural maternal mortality rates were 22.2 per hundred thousand and 25.6 per hundred thousand respectively, the rural rate marking a decline from 2.4 times the urban rate in 2000 to 1.15 times the urban rate. The drop in the rural maternal mortality rate was also more rapid than the urban rate, having fallen by 61.9 per cent. Maternal mortality rates in eastern, central and western China were 14.4 per ten thousand, 25.2 per ten thousand and 34.4 per ten thousand respectively in 2012, having fallen 32.1 per cent, 51.6 per cent and 70.1 per cent respectively from their 2000 levels. The gap between the eastern and the other two regions of China in the mortality rate among children five years of age and younger also became smaller. The maternal mortality rate in the Tibet Autonomous Region fell from 467 per ten thousand in 2000 to 176 per ten thousand in 2012, and the mortality rate among children five years of age and younger also decreased from 57.2 per thousand in 2000 to 31.32 per thousand in 2012.

191. In order to lower maternal and infant mortality rates, the following measures have been taken:

192. (a) *Steadily improving legislation on women's and children's health.* The Chinese Government attaches full importance to the development of laws and regulations concerning women's and children's health. The Standing Committee of the National People's Congress adopted the Maternal and Infant Health Care Law in October 1994, marking the entry of women's and children's health work in China into a new stage of law-based management. The Maternal and Infant Health Care Law is based on the Constitution and is the basic law on the protection of women's and children's health; together with the Marriage Law, the Law on the Protection of Rights and Interests of Women, the Law on the Protection of Minors, and the Regulation on Labour Protection of Female Employees, it provides legal safeguards for the protection of women's and children's health. In 2000, the Chinese Government solemnly undertook to achieve the United Nations Millennium Development Goals, an important element of which was the lowering of maternal and child mortality rates. In order to better carry out the "One Law and Two Guidelines" on women's and children's health and development, and achieve the goals of the Two Guidelines and the United Nations Millennium Development Goals, the Ministry of Health has formulated a series of supporting regulations and documents, including the Measures on the Administration of Health Care Work During Pregnancy and Childbirth, and the Regulations

on the Administration of Prenatal Diagnostic Technology, providing a legal basis for all aspects of women's and children's health services including administrative management, inspection and supervision, and technical specifications.

193. (b) *Continuously improving the women's and children's health services system.* For many years, China has instituted a women's and children's health-services system that places health-care facilities for women and children at its core, takes primary health-care facilities as its foundation, and uses medium and large general health-care institutions as well as related research and teaching institutions as its technical-support base; it is a system with Chinese characteristics that has become a vital and indispensable force in protecting the health of women and children. As of 2011, there were 3,036 women's and children's health-care institutions nationwide, along with 442 maternity hospitals, 79 children's hospitals, 33,000 community health-services centres or stations, 37,000 township hospitals, and 660,000 village clinics. In 2011, the central fiscal authorities invested 430 million yuan in dedicated funding to improve the capacity-building of county-level women's and children's health-care institutions in the central and western regions of China; the funds were primarily spent on additional medical equipment. Of these funds, 92.5 million yuan were invested in the construction of county-level women's and children's health-care facilities in Tibet.

194. (c) *Ensuring the safety of mothers and infants.* Encouraging women to give birth in hospitals ensures the safety of the mothers and their infants, and is a key element in lowering maternal and child mortality rates. In recent years, health authorities in China have taken a variety of measures to broaden the scope of publicity about hospital childbirth and cooperate closely with related government departments in working to raise the rate of hospital childbirth in rural and remote areas, especially in the Tibet Autonomous Region, and have achieved significant results. In 2008, the Ministry of Health began implementing a hospital-childbirth subsidy programme for pregnant rural women in the central and western regions of China. In 2009, as part of a major public health-services initiative to deepen medical-care reform, the programme was strengthened and its scope broadened to include rural areas throughout the country; the central fiscal authorities invested a total of 10.9 billion yuan in the programme from 2009 to 2012. As of the end of 2012, some 37.62 million pregnant rural women had received subsidies under the programme. Its implementation has significantly increased rates of hospital childbirth and effectively ensured the safety of mothers and their infants, creating a favourable atmosphere for hospital childbirth. In 2012, the rate of hospital childbirth reached 99.7 per cent nationwide, with the rate for rural women reaching 98.8 per cent. As the rate of hospital childbirth for rural women has risen steadily, rural women's maternal mortality rate has gradually trended lower. The central fiscal authorities invested a total of 56.6 billion yuan in grant funding for implementation of basic national public-health services programmes, including maternal health and child health administration. This has been a major initiative in promoting the fair enjoyment of health services for women and children, enabling the great majority of whom to enjoy the tangible benefits of deepened medical-care reform and effectively ensuring the health and safety of urban and rural women. In 2013, the standard basic public health-services fee subsidy was raised to 30 yuan per capita.

195. (d) *Propagating appropriate technology for women's and children's health.* In 2004, the Ministry of Health began implementing the Neonatal Resuscitation Programme, working hard to ensure that at least one medical-care worker in every delivery room has been trained in asphyxia resuscitation of newborns and has a grasp of neonatal resuscitation technology; currently more than 100,000 medical-care workers have received formal training in that technology. 2013 saw the initiation of a programme to train health workers in medical care for children in impoverished areas, under which training has been provided to 6,800 part-time clinicians serving in the paediatrics or children's health-care departments of primary health care institutions, giving them a basic understanding of children's health

care and techniques for treating common illnesses, and increasing their professional service capability. The implementation of these programmes has enhanced provider capacity-building while also directly benefitting children by lowering child mortality rates in impoverished areas, especially in the Tibetan region. At the same time, cooperation with international organizations in setting up childbirth-assistance training programmes, reviewing maternal deaths, and monitoring acutely-ill pregnant women has been strengthened, actively promoting the spread of appropriate technology for mothers' and infants' health care and ensuring their safety.

196. (e) *Improving nutrition of infants and young children in impoverished areas*. 2012 saw the beginning of the implementation of programmes for improving children's nutrition and for screening neonatal illnesses in impoverished areas. Under the children's nutrition programme, daily nutrition packets are provided to 350,000 six- to twenty-four-month-old infants and young children in 100 counties, supplemented by propagation of health knowledge, thereby improving child nutrition and overall health in these areas. In 2013 the scope of the programmes was broadened to include 300 counties and 822,000 beneficiaries.

Question 32: Please provide information on the implementation of legislation against sex-selective abortion practices and female infanticide, as well its impact. Please also inform the Committee whether the State party has conducted a study on the root causes of such practices.

197. **The issue of the relatively high gender ratio of males to females in the newborn population is under further study in China**. Data from the third national population census in 1982 indicated that the gender ratio among newborns was 108.47 males to 100 females, and as such was beginning to exceed the normal range; by the sixth national population census in 2010, that ratio had reached 117.94. Over the past thirty years, relevant departments of the Chinese Government have undertaken studies of the on-going conditions, causes, impact and consequences of the relatively high gender ratio among newborns. Research showed that the direct cause was fœtal gender identification and gender-selective pregnancy termination for non-medical purposes, the roots of which lay in a preference for boys over girls stemming from inadequate cultural, economic and social development. The preference for boys over girls is a major factor in the crimes of abandonment of girls and trafficking in women and children; comprehensively resolving the issue of high gender ratios among newborns and changing the public's preference for boys over girls are important tools in curbing such crimes.

198. **The Chinese Government is taking measures to better resolve the gender ratio issue among newborns**. The Chinese Government attaches a high degree of importance to the issue of the relatively high gender ratio among newborns, and is determined to understand and tackle the resolution of that issue from a strategic height, concentrating its efforts on improving the legislative system, perfecting administrative mechanisms and addressing both the symptoms and root causes. It has taken the following measures in this regard:

199. (a) *Including the gender-ratio issue in major national strategies*. In 2000 and 2006, the Party Central Committee and the State Council separately issued the Decision on Stabilizing Low Birth Rates in Strengthening Population and Family Planning Work and the Decision on an Overall Solution to Population Problems in the Comprehensive Enhancement of Population and Family Planning Work, both of which stressed comprehensive resolution of the gender ratio issue among newborns as important tasks. The Twelfth Five-Year Plan, reviewed and adopted at the fourth session of the Eleventh National Congress, clearly called for reducing the gender ratio among newborns to 115 or below by 2015. The National Plan for Population Development under the Twelfth Five-

Year Plan also calls for comprehensive resolution of the issue and the promotion of gender equality in society.

200. (b) *Improving the legislative system to broaden the scope of investigation and handling of the "Two Nons"*. The strengthening of legislation to deal with the "Two Nons", i.e. the determination of foetal gender for non-medical purposes and gender-selective termination of pregnancies for non-medical purposes, along with its implementation in accordance with the law, are important measures that China has deployed for comprehensively resolving the gender ratio issue among newborns. The numerous laws and regulations that China has introduced up to the present, including the Law on Population and Family Planning, the Law on Maternal and Infant Healthcare, and the Measures for the Implementation of the Law on Maternal and Infant Healthcare, clearly prohibit the "Two Nons". Among these, the Criminal Law stipulates that "whoever, without obtaining the qualification for practising medicine, ... performs ... an operation for terminating gestation" for another person shall be determined to have committed the crime of performing an unlawful contraception procedure. The former National Population and Family Planning Commission, Ministry of Health and Food and Drug Administration issued a joint departmental rule that also stipulated the prohibition of the "Two Nons". Local laws and regulations or government rules prohibiting the "Two Nons" have been issued in 14 provinces. In sum, these laws and regulations provide a guarantee that a comprehensive resolution of the relatively high newborn gender-ratio issue will be promoted in China.

201. (c) *Establishing sound institutional structures*. In 2008, under the "Three Determinations" internal reorganization and institutional reform programme of the State Council, the former National Population and Family Planning Commission was given institutional responsibility for advancing balanced gender ratios among newborns, and established a special internal Office of Comprehensive Gender Ratio Control. In 2013, its successor institution under the State Council's "Three Determinations" programme, the National Health and Family Planning Commission, was given institutional responsibility for implementing policies and measures for the advancement of balanced gender ratios among newborns, and the Commission set up a leading group on comprehensive resolution of the issue. Most provinces, municipalities and counties have set up special offices for comprehensive resolution of the gender-ratio issue among newborns as well, and have made a substantive start on the task.

202. (d) *Implementing a sound mechanism for the comprehensive resolution of the gender-ratio issue*. In 2003, the former National Population and Family Planning Commission initiated the "Caring for Girls Action Campaign", which devoted great effort to gradually eliminating the popular conception that boys are more important than girls and advancing gender-ratio balance among newborns through the use of such means as publicity and advocacy, incentivization, and combating the "Two Nons". In 2005, the Action Plan for Broadly Launching the Caring for Girls Action Campaign and Comprehensively Resolving the Issue of the Relatively High Gender Ratio Among Newborns was relayed to 12 Government departments, including the National Population and Family Planning Commission, by the General Office of the State Council; that document clearly outlined the phased objectives institutional responsibilities of the Government departments concerned. The year 2012 was designated the Year of the National Population and Family Planning Commission Focus on Resolving Newborn Gender Ratios. In 2013, with the nationwide launch of the Girls' Dreams Come True Volunteer Action Campaign, volunteers paired up to help impoverished rural girls and advocate gender equality in society. At the same time, the public-security authorities joined forces to broaden the scope of their investigation and handling of the "Two Nons".

203. After many years of effort, the steadily-rising gender-ratio trend in China has been checked for the first time.

Question 33: Please provide information on the system of mental health services and psychiatric treatment and care available to adults as well as children. Please clarify whether the 2012 Mental Health Law forbids involuntary psychiatric confinement of persons who do not suffer from any mental illness.

204. **China's mental health resources**. Surveys indicate that there were a total of 1,650 mental-health institutions throughout China as of the end of 2010; of these, 874 were psychiatric hospitals, 604 were general hospitals equipped with mental-health or psychiatric facilities, 77 were rehabilitation institutions, and 95 were mental-health or psychiatric out-patient departments.

205. According to the results of a survey carried out in 2006 by the former Ministry of Health, the number of beds in mental-health institutions in China averaged 1.12 beds per ten thousand persons in the population at the end of 2005, while the world average at that time was 4.36 beds per ten thousand persons; by the end of 2010, the number of beds had increased to 1.71 per ten thousand persons throughout China. In 2010, the National Development and Reform Commission, the former Ministry of Health, and the Ministry of Civil Affairs drafted the Plan for Construction and Development of the Mental Health [Issues] Prevention and Treatment System to improve the basic mental-health facilities infrastructure. The central fiscal authorities invested 9.1 billion yuan in 2010–2010 on the renovation and expansion of 549 psychiatric hospitals and general hospitals with mental-health facilities. Many of these construction projects have already been completed. As its next step, the National Health and Family Planning Commission will proceed to evaluate the manner in which they were accomplished.

206. In 2011, there were 20,480 licensed psychiatric practitioners nationwide, averaging 1.49 per hundred thousand persons in the population. There were also 35,337 registered psychiatric nurses, or 2.58 per hundred thousand persons, and 0.95 health-support personnel per hundred thousand persons.

207. In 2009, China began implementing a national basic public-health services programme, under which local primary medical and health-care facilities are responding to demand by carrying out evaluation and follow-up management for persons suffering from severe mental illnesses. China is also promoting the establishment of local patient-treatment management networks, guiding mental-health professional institutions and primary-care medical and health institutions in setting up two-way referral mechanisms and technical-guidance relationships. Currently, the management and treatment of persons with severe mental difficulties is being carried out in 245 municipalities and 1,732 counties, with 3.538 million registered patients under management.

208. **Provisions of the Mental Health Law regarding restraints and other protective medical measures in the treatment of persons with mental disorders**. The Mental Health Law went into force on 1 May 2013; article 40 of the Law clearly stipulates that "When persons with mental disorders who are in a medical facility engage in or are about to engage in self-harm, in behaviour that endangers the safety of others, or in behaviour that disrupts the facility's functioning, the medical facilities and health care providers in these facilities may use restraints, isolation, or other protective medical measures if no alternative measures are available. The implementation of protective medical measures shall be based on diagnostic criteria and treatment standards; moreover, patients' guardians shall be informed after the implementation of such measures." It also stipulates that "The use of restraints, isolation, or other protective medical measures to punish persons with mental disorders is prohibited", thus affording the maximum protection of patients' rights and interests.

Question 34: Please provide information on the number of persons that have been infected with HIV/AIDS and Hepatitis B and C through blood transfusions in hospitals, in particular in rural areas.

209. The State has established a direct reporting system for infectious diseases; pertinent data for diseases whose reporting is required by law are reported directly to the Chinese Centre for Disease Control and Prevention.

Question 35: Please provide information on steps taken to address child obesity, in particular in urban areas.

210. The Chinese Government has taken the following measures in this regard:

211. (a) *Publishing policy documentation on controlling childhood obesity*. To effectively complete the task of protecting the health of middle and primary-school students, the Party Central Committee and the State Council published the Opinion on Strengthening Juvenile Sports and Enhancing Juvenile Physical Fitness in 2007, which clearly pointed out the need for adolescents to cultivate a good and healthy lifestyle and reduce rates of obesity among China's young people. In 2012, fifteen Government departments and commissions, including the former Ministry of Health, published the Plan for Chronic Disease Prevention and Control Work in China (2102–2015), which also proposed that obesity rates among children and adolescents should not exceed 8 per cent.

212. (b) *Strengthening publicity about improving nutrition and related knowledge*. Health departments at all levels are emphasizing student nutrition, bringing nutrition-improvement work among urban middle- and primary-school students into their local nutrition-work agendas, and researching substantive programmes and measures for strengthening nutrition work in schools. Attaching importance to popularizing and publicizing information about student nutrition and healthy behaviour, they are launching training programmes in nutritional knowledge for teachers, with the support and cooperation of education departments. Moreover, focusing on nutritional problems commonly seen among urban middle- and primary-school students, like obesity, anæmia, and vitamin A deficiency, they are making use of the mass media and the public square to launch mass-education campaigns, and actively taking part in parent lectures organized by the schools to launch nutrition-publicizing activities of all kinds to communicate techniques for healthy diet and appropriate exercise to parents and the public at large. Beginning in 2000, China has supported the biennial congresses on obesity prevention and control in China, held by the China office of the International Life Sciences Institute (ILSI), providing a platform for Chinese and foreign experts and scholars to exchange the latest advances in obesity studies and controls, intervention measures, and related policies, and create a social ambience for a multisectoral and multidisciplinary approach to dealing with obesity.

213. (c) *Ensuring adequate physical exercise for students in schools*. Health departments at all levels have understood the importance of daily exercise in preventing obesity and fostering physical fitness among students, and are actively encouraging students to walk more and use transportation less, to climb stairs more and use elevators less, and as far as possible to leave their seats in class for ten minutes of physical activity between classes, choosing appropriate-exercise programmes like "Ten Minutes of Happiness". In conjunction with the various measures being taken by education departments to strengthen students' physical education, they are also conscientiously organizing radio-calisthenics and mass-exercise physical education movements for students to ensure that students get an hour of exercise every day.

214. (d) *Developing mechanisms to monitor students' nutrition and health*. Through the development of student health and nutrition monitoring systems as well as the periodic gathering of information on student health and related matters by trained specialists, health

departments at all levels are setting up systems for reporting the results of student physical-health examinations, thereby making possible the timely discovery of major issues and trends in urban middle- and primary-school students and the provision of appropriate suggestions on intervention and guidance to education and other departments.

Articles 13 and 14 – The right to education

Question 36: Please clarify whether the allocation of financial resources to the education sector has increased in step with the rise in Gross Domestic Product, as directed by the Education Law. Please also clarify whether the State party uses budgetary re-allocations to provide sufficient resources to less-developed regions, in particular rural areas.

215. The Chinese Government attaches a high degree of importance to the development of education; authorities from the central Government down to the localities are effectively implementing the "Three Prioritizations" principles, which call for prioritizing educational development in economic and social development planning, prioritizing guaranteed investment in education in fiscal planning, and prioritizing educational and human-resources needs in the allocation of public resources. At the same time, a series of policy measures to broaden fiscal investment in education have been introduced. In 2011, the State Council issued the Opinions on Further Increasing Fiscal Investment in Education, requiring people's governments at all levels to increase education expenditures in accordance with the law, raise the proportion of fiscal support for education in public-funds expenditures, raise the proportion of educational spending in budgetary capital-construction investment, and put forward policy measures to broaden funding-resource channels, such as extending the education surcharge to foreign-invested as well as domestic enterprises and individuals, comprehensively imposing local education surcharges, and drawing proportionately on the proceeds of land transfers for education funding. State fiscal expenditures on education funding doubled in the five-year period from 2008 through 2012, growing from 1.045 trillion yuan to 2.224 trillion yuan, and accounting for an increasing share of the Gross Domestic Product (GDP) each year. In 2012, the percentage of GDP accounted for by State fiscal expenditures on education reached 4.28 per cent, meeting the scheduled goal of the Outline of the National Plan for Medium and Long-Term Education Reform and Development (2010–2020) (hereinafter referred to as the "Education Plan Outline") that State fiscal expenditures on education funding should account for 4 per cent of GDP in 2012.

216. **Sufficient resources are being provided to less-developed regions, in particular rural areas**. In recent years, the Chinese Government has emphasized the prioritization of the education expenditure structure, with additional and adjusted outlays preferentially focused on rural, remote, impoverished or ethnic-minority areas. With particular regard to rural areas, one area of emphasis is improving conditions in the schools in rural or remote areas. In recent years, funding guarantee mechanisms for rural compulsory education have been improved, with the successive implementation of a series of projects and programmes, such as building-safety engineering projects for middle and primary schools, reconstruction programmes for disadvantaged rural compulsory-education schools, rural boarding-school construction projects, and the "full-coverage digital-education resources programme for distance-learning stations" in disadvantaged schools, resulting in a huge improvement in the basic infrastructure for rural schools. A second area of emphasis is strengthening the development of a corps of teachers for rural and remote areas. The implementation of the Programme of Special Teaching Positions for Compulsory Education in Rural Areas beginning in 2006 encouraged college graduates to take employment as teachers in rural areas; a total of 300,000 such "special position" teachers have been recruited since the Programme began, 80 per cent of whom have remained in those areas and continued to

teach. Some 10,000 teachers' college students have been enrolled in free teacher training programmes each year beginning in 2007, 92 per cent of whom have gone to teach in the central and western regions of China upon graduation. A national training programme for middle- and primary-school teachers has been under way since 2010, along with teachers' turnover dormitory construction projects at schools in remote or difficult areas, improving living conditions for teachers in rural areas. Subsistence allowances have been implemented for teachers in particularly destitute contiguous areas since 2013. A third area of emphasis is enlarging the scope of financial aid for students in rural and remote areas. Free compulsory education has been implemented in both urban and rural areas, eliminating fees and sundry charges for students in compulsory education, providing free textbooks to all students in rural compulsory education, and subsidizing living expenses for boarding students; a free programme of rural secondary vocational education was initiated in 2012 on that basis as well, accounting for 91.5 per cent of the overall population of enrolled day students. Beginning in the fall term of 2011, a pilot nutrition-improvement programme was launched for rural students in compulsory education, initially in particularly destitute contiguous areas, providing them with nutritious-meal allowances and covering 31 million students. This is China's first large-scale nutrition-intervention programme, and has garnered favourable comment from numerous international organizations.

Question 37: Please provide information on steps taken, and their impact, to improve access to and availability of education, in particular for children living in rural areas and the western provinces, as well as migrant children. Please clarify which steps have been taken to eliminate all miscellaneous fees for compulsory primary education. Please provide information on steps taken to address illiteracy and school dropout rates in rural areas, in particular among ethnic minority groups.

217. **Education in rural areas and the western provinces of China**. At the end of 2011, China implemented universal free compulsory education in urban and rural areas throughout the country, achieving the goal of every child having a school to attend. In 2012, the net enrolment rate for primary-school-age children reached 99.85 per cent, and the gross enrolment rate for middle-school-aged children reached 102.1 per cent. One contributing factor has been the improvement in teaching conditions in rural areas and central and western provinces. The central Government has dedicated 62.087 billion yuan in funding for the rural disadvantaged compulsory-education school-rehabilitation programme since 2010; to date, work has begun at 38,502 schools throughout the country, with a total floor area of 24.8096 million square metres, or 74.42 per cent of that called for under the programme; work has been completed at 25,904 schools, with a total floor area of 19.5683 million square metres, accounting for 58.69 per cent of that called for under the programme. From 2009 to 2012, the central authorities provided 30 billion yuan in dedicated funding for building-safety engineering projects for middle and primary schools throughout the country, spurring an additional 350 billion yuan in local investment and greatly improving safety conditions in rural schools. A building-renovation project for rural junior middle schools in the central and western regions and a rural boarding-school construction programme are also under way. Another contributing factor is the acceleration of the computerization of education in rural areas and the central and western regions. Strengthening basic infrastructure development, mobilizing the implementation of broadband Internet access in every school and promoting high-quality resources in every classroom. With the implementation of the "full-coverage digital-education resources programme for distance-learning stations" beginning in 2012, more than 60,000 distance-learning stations in rural and remote areas have been equipped with digital-resource receiving and broadcasting equipment, delivering digital educational resources for all eight class subjects in the first through third grades. A third contributing factor has been the strengthening of the development of a corps of teachers for rural areas and the central and western regions. The implementation of the Programme of Special Teaching Positions for

Compulsory Education in Rural Areas beginning in 2006 has encouraged college graduates to take employment as teachers in rural areas; a total of 300,000 such "special position" teachers have been recruited since the Programme began, 80 per cent of whom have remained in those areas and continued to teach. Some 10,000 teachers' college students have been enrolled in free teacher training programmes each year beginning in 2007, 92 per cent of whom have gone to teach in the central and western regions of China upon graduation. A national training programme for middle- and primary-school teachers has been under way since 2010, along with teachers' turnover dormitory construction projects at schools in remote or difficult areas, improving living conditions for teachers in rural areas. Subsistence allowances have been implemented for teachers in particularly destitute contiguous areas since 2013.

218. **Problems of education for children of migrants**. One problem faced by the children of rural migrant workers in urban areas is ensuring their access to education. As early as 2003, the Chinese Government proposed that in principle, the primary responsibility for their education was to be borne by governments in the areas of migrant inflow, and that their education should primarily take place in State-run middle and primary schools, actively promoting the inclusion of permanent residents (including unregistered persons living within their jurisdiction) in local education-development planning. In 2012, there were 13.94 million children of migrant workers enrolled in compulsory education throughout China, with about 80 per cent in State-run schools. Where State-run schools are unable to meet demand, measures are taken to purchase the services of non-State-run schools to ensure that the children of migrant workers receive compulsory education there. In 2012, the General Office of the State Council issued the Opinion on Enabling Participation in Local Post-Compulsory Education Matriculation Examinations for Children Accompanying Workers Who Have Migrated to Cities; substantive measures for their implementation were introduced by the provinces, regions and municipalities, taking action to resolve the problems of such children in participating in local senior middle-school and college entrance examinations. A third problem is setting up care systems for the children left behind by the migrant workers. In early 2013, the Ministry of Education, along with other ministries and commissions, introduced the Opinion on Strengthening Care and Education Work Among Left-Behind Children at the Compulsory-Education Stage, proposing comprehensive improvements in the level of educational-conditions guarantees and the quality of education for left-behind children; boarding-school construction, nutrition-improvement plans, and school bus operations are also prioritized to meet the needs of these children.

219. **Eliminating all miscellaneous fees in compulsory primary education**. Along with its overall economic and social development, China is actively pressing forward with free compulsory education, implementing a "Two Frees and One Subsidy" policy, whereby tuition and miscellaneous fees are eliminated for all students, textbooks are provided free of charge for rural students and urban students from economically-disadvantaged households, and boarding students from economically-disadvantaged households are provided with a living-expenses subsidy. Implementation of this policy began in 2001; comprehensive elimination of tuition and miscellaneous fees for rural compulsory-education students in western regions began in 2006; the "Two Frees and One Subsidy" policy was extended to rural compulsory-education students from economically-disadvantaged households throughout the country in 2007; and tuition and miscellaneous fees for urban compulsory-education students were eliminated throughout the country in 2008, thus completing the elimination of tuition and miscellaneous education fees for urban and rural compulsory-education students everywhere in China.

220. **Lowering illiteracy and school dropout rates in rural areas, in particular among ethnic-minority groups**. China's Education Law clearly stipulates that all Chinese citizens shall enjoy equal opportunity for education in accordance with the law regardless

of their ethnicity, race, sex, occupation, property status or religious belief. The State guarantees the right of ethnic-minority children to compulsory education. China instituted comprehensive nine-year compulsory education throughout the country in 2011, covering all ethnic regions as well. By 2012, enrolment of ethnic-minority students in compulsory-education schools had reached 15.1546 million. The current rate of enrolment for primary-school-aged children is 99.2 per cent. The illiteracy rate among youth and adults has dropped to 1.4 per cent. The State focuses policy and investment support on education for ethnic minorities, and provides financial assistance for ethnic-minority children in compulsory education. Rural compulsory-education boarding students from ethnic minorities with relatively small populations are provided with a standard annual living-expenses subsidy of 250 yuan per capita; a cumulative total of 110 million yuan was invested for this purpose during the Eleventh Five-Year Plan period. Compulsory-education students in ethnic-minority regions enjoy the "Two Frees and One Subsidy" policy (free textbooks, no miscellaneous fees and living-expense subsidies for boarding students). Children of Tibetan farmers and herders receive basic education under the "Three Guarantees" policy (guaranteed food, housing, and school fees). Moreover, the central fiscal authorities allocate an additional 20 million yuan for compulsory-education stipends, specifically for use in providing living-expense stipends for impoverished boarding students in the Tibet Autonomous Region; there are currently 516,900 student beneficiaries of this policy, whose coverage exceeds 95 per cent.

221. At the end of 2011, all county-level administrative units and province-level administrative divisions in China had undergone State examination and approval for the universal implementation of nine-year compulsory education and elimination of youth and adult illiteracy. In recent years, the Chinese Government has persevered in making the control of compulsory-education dropout rates a major part of its compulsory-education work; dropout rates in China have remained below the national control limit of one per cent for the past ten years, ensuring that children can complete their nine-year compulsory education. A series of measures have been taken to accomplish this: first, the role of government at all levels in the work of controlling and preventing school drop-outs has been strengthened. A dropout-control responsibility system has been instituted, putting the task of controlling dropouts in the hands of government at all levels and schools. Clear targets have been proposed for the compulsory-education consolidation rate (the rate at which enrollees complete the nine-year programme) in both the national education plan and the education segment of the Twelfth Five-Year Plan, and the commissions supervising education at the national level also view enrolment rates and consolidation rates as major targets in supervising education, strictly monitoring and evaluating the performance of localities and exercising one-vote vetoes. Second, study conditions have been improved. The distribution of rural compulsory-education schools has been scientifically adjusted in order to ensure that rural primary-school students in the first through third years attend schools close enough to their homes that the need for boarding is eliminated. The State has established special funds for a series of major construction initiatives such as the implementation of middle- and primary-school safety-engineering projects, disadvantaged rural compulsory-education school-building renovation programmes, rural boarding-school construction projects, and "full-coverage digital-education resources programmes for distance-learning stations", intensifying efforts to strengthen the development of basic compulsory-education infrastructure in rural, impoverished and ethnic-minority districts and meet the educational needs of school-age children and youth. Third, the problem of school dropouts caused by poverty has been effectively resolved. Free compulsory education has been comprehensively implemented, along with the "Two Frees and One Subsidy" policy; miscellaneous fees have been eliminated for urban and rural compulsory-education students, as have textbook fees for rural compulsory-education students, and living-expense subsidies are provided for boarding students from economically-disadvantaged households. Fourth, the problem of students dropping out because of study

difficulties has been effectively brought under control. Education and teaching reform has been actively undertaken, with the comprehensive promotion of quality-oriented education; every student's healthy growth is followed closely, particularly with regard to taking effective measures to assist students with learning difficulties. Intense effort has been put into the development of the rural teacher corps, in order to provide rural middle and primary schools with an adequate supply of high-quality instructors and meet the teaching needs of compulsory education.

Question 38: Please provide information on steps taken, and their impact, to ensure that children with disabilities are educated in mainstream public schools and provided with the necessary equipment and support.

222. The Chinese Government has taken the following measures in this regard:

223. (a) *Improving systems development*. The fourth paragraph of Article 26 of the Law on the Protection of Persons with Disabilities stipulates that "Institutions offering special education should have venues and facilities suitable for the study, rehabilitation and daily life of persons with disabilities"; and article 29 of that Law stipulates that "Government departments concerned shall organize and support the research and application of Braille and sign language, the compilation and production of teaching materials on special education, and the research, production and supply of teaching apparatus and other auxiliary facilities for special education". The State Council promulgated and implemented the Regulations on Education for the Disabled in 1994, and the General Office of the State Council issued the Opinions on Further Accelerating the Development of Special Education in 2009, providing comprehensive procedures for enhancing the universalization and the quality of education for the disabled. Currently, the Chinese Government is in the process of actively revising the Regulations on Education for the Disabled, further improving the mechanism for safeguarding the right of the disabled to receive education; article 11 of the Regulations stipulates that the teaching facilities and equipment in kindergartens and schools should conform to accessibility standards, special rehabilitation and life-skills equipment should also be installed, and a barrier-free campus environment should be provided for disabled students.

224. (b) *Increasing investment*. Since 2009, along with the first and second phases of the special-education schools construction project promoted by the National Development and Reform Commission, the study needs of disabled students are being better met through the construction of new special-education schools as well as the refurbishing and expansion of existing ones, the purchase of special-education equipment, rehabilitation equipment and books and reference materials, and support for programmes specializing in special education in institutions of higher learning as well as the construction of middle schools and colleges for disabled persons.

225. (c) *Promoting mainstreaming*. Schools of all types and at all levels are actively creating the conditions for accepting disabled students, and are accordingly addressing ways to compensate for their disabilities and develop their potential. In 2012, there were 199,800 disabled students mainstreamed in regular classes and auxiliary special-education classes in primary and junior middle schools, accounting for 52.74 per cent of the disabled children and youth enrolled in schools; thus more than half of the disabled students in China have been mainstreamed.

226. (d) *Raising the level of universalization*. The system of dynamic statistical surveys and annual bulletins regarding the situation of un-enrolled school-aged disabled children and youth is being further improved. With a focus on the statistical results, localities are directed to come up with appropriate solutions for the educational problems of un-enrolled school-aged children and youth on a case-by-case basis, consistent with the idea that those with mild disabilities should be mainstreamed in regular classes or special-education

classes in regular schools, those with moderately severe disabilities should attend special-education schools, and those with severe disabilities should be provided with home tutoring services.

227. The Plan for the Advancement of Special Education (2014–2016), jointly drafted by the Ministry of Education and the China Disabled Persons' Federation, has been submitted to the General Office of the State Council for formal issuance. The Plan proposes broadening the scope of mainstreaming in regular schools, with regular schools doing their utmost to accommodate the mainstreaming of disabled students, and constructing special-education resources classrooms and barrier-free facilities, so as to afford them the convenience they need for study and daily life. It also calls for the implementation of a major programme to improve special-education school conditions, as well as supporting the construction of special-education resources classrooms or centres in regular schools that have accepted a relatively large number of disabled students for mainstreaming, for the installation of basic special-education teaching and rehabilitation facilities and equipment, for measuring and evaluating resources, and for study resources and books and reference materials, in order to provide disabled students with individualized education and rehabilitative training.

228. According to the 2012 Monitoring Report on the Situation of the Disabled and Progress Toward Building a Comparatively Well-off Society in China, 71.9 per cent of the disabled children and youth are currently receiving compulsory education, an increase of ten per cent over the figure for 2008.

Article 15 – Cultural rights

Question 39: Please provide information on steps taken to ensure that Tibetans as well as Uyghurs can fully exercise their right to preserve and take part in their own cultural life, including using and teaching their own languages, history and culture, as well as practising their religion freely and without State interference.

229. **Overview of national laws, regulations, policies and programmes**. In its laws and regulations, the Chinese Government ensures the cultural rights of the ethnic-minority peoples, including Tibetans and Uyghurs. Article 47 of the Constitution clearly stipulates that "Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State encourages and assists creative endeavours conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work." Article 35 stipulates that "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration"; and article 36 stipulates that "Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination." The Law on Regional National Autonomy stipulates that minority nationalities [ethnic minorities] practise regional autonomy in areas where they live in concentrated communities. On the principle of not contravening the Constitution and the laws, the organs of self-government of national autonomous areas shall have the power to adopt special policies and flexible measures in the light of local conditions to speed up the economic and cultural development of these areas. The organs of self-government of national autonomous areas shall independently develop literature, art, the press, publishing, radio broadcasting, the film industry, television

and other cultural undertakings in forms and with characteristics unique to the nationalities; they shall increase investment in cultural undertakings, strengthen cultural facilities construction, and speed up the development of cultural undertakings of all kinds. The organs of self-government of national autonomous areas shall organize and support the efforts of the work units and departments concerned to collect, collate, translate and publish books on the nationalities' history and culture and protect the places of scenic beauty and historic interest of their nationalities, as well as their precious cultural relics and other important historical and cultural legacies, carrying forward and developing the outstanding traditional culture of their nationalities.

230. The cultural rights of ethnic minorities are likewise protected in the administrative regulations of the Chinese Government. Article 4 of the Regulations on the Administration of Public Cultural and Sports Facilities stipulates that the State is to undertake the construction of public cultural and sports facilities in a planned manner, and to provide support for the construction of such facilities in ethnic-minority, remote, impoverished and rural areas. Article 5 of the Measures for the Administration of Integrated Township Culture Centres stipulates that the State is to provide preferential support for the construction of culture centres in ethnic-minority autonomous areas and regions where they live in concentrated communities. The Circular of the Ministry of Culture on Further Invigorating the Cultural Life of the Masses proposes that local ethnic customs in ethnic-minority areas should be respected, primarily to undertake ethnic cultural and artistic activities in their traditional forms. The Circular on the "Opinions on Further Strengthening Cultural Work Among Ethnic Minorities" Issued by the Ministry of Culture and the State Ethnic Affairs Commission proposes to seize the opportunity to accelerate cultural development in ethnic-minority areas in the central and western regions; take measures to strengthen basic cultural infrastructure-building in ethnic areas; do a good job of building key cultural projects, promoting comprehensive cultural development in ethnic areas; cause the literary and artistic creativity of ethnic minorities to flourish, enriching the cultural lives of the people of all minority groups; grasp well the literary and artistic creations of ethnic minorities, encouraging creative people to penetrate deeply into ethnic areas and reflect the new lives and new style and features of ethnic minorities, promote their cultural traditions, and create ever more outstanding works endowed with rich ethnic characteristics and local flavour; launch rich and colourful cultural activities, making use of off-season time, ethnic holidays and country fairs to actively organize and lead the masses in carrying out healthy and civilized cultural activities; and take seriously the problem of the inability of the ethnic-minority masses in remote areas to see or comprehend motion pictures, strengthening the distribution of motion pictures to towns and villages in remote areas and adopting fiscal subsidies and mass financing measures to underwrite the costs of showing them.

231. The State has made arrangements and regulations regarding cultural development in ethnic-minority areas in its strategic medium- to long-term development planning. The State Plan Outline for Cultural Reform and Development during the Twelfth Five-Year Plan Period clearly indicates the need to encourage and support the creation and production of ethnic-minority cultural products with activities in which books and periodicals in ethnic-minority languages are distributed as gifts, as well as for broadening the scope of support and assistance for building Internet cultural services in old revolutionary staging areas, ethnic areas, border areas and impoverished areas. The Culture Ministry Plan for Cultural Development during the Twelfth Five-Year Plan Period proposes the continued acceleration of basic cultural infrastructure-building for ethnic minorities in border areas to enrich their cultural lives. Full use should also be made of traditional ethnic holidays and Cultural Heritage Days to launch activities publicizing the protection of their cultural heritage. The Plan for Ethnic-Minority Affairs under the Eleventh Five-Year Plan called for broadening the scope of support for cultural development in autonomous minority areas, establishing and improving public cultural infrastructure networks in autonomous ethnic

areas, supporting the development of characteristic ethnic cultural production, and strengthening the orientation and training of artistically-talented people of all kinds in autonomous ethnic areas; respecting, using and developing the languages and literatures of ethnic minorities; building ethnic-minority folkways museums, cultural bases and communities, as well as authentically ethnic museums or centres for the protection and exhibition of ethnic-minority cultural relics; establishing demonstration areas for the construction of bilingual ethnic-minority environments, and implementing projects for broadcasting motion pictures and television programmes dubbed in ethnic-minority languages. The Plan for Ethnic-Minority Affairs under the Twelfth Five-Year Plan lays emphasis on promoting standardized construction of compulsory-education schools in ethnic areas, accelerating the building of public cultural-services systems in ethnic areas, and supporting the creation, production and broadcasting of films and television dramas with ethnic-minority themes; strengthening capacity-building for creating and dubbing films and television programmes for broadcast in ethnic-minority languages, and broadening the scope of support for building a base for publications in the languages of nationally-recognized ethnic minorities; implementing projects for the restitutive protection of the intangible cultural heritages of endangered ethnic minorities, the productive protection of those intangible cultural heritages having specific market prospects, and the integral protection of areas in which those heritages are concentrated; and accelerating the cultural production development of ethnic minorities and strengthening their cultural influence.

232. **Putting the use and teaching of minority languages into practice.** The Chinese Government guarantees the right of ethnic minorities, including Tibetans and Uyghurs, to use their own languages and writing systems. The Chinese Constitution stipulates that "all ethnic groups have the freedom to use and develop their own spoken and written languages." In China, ethnic-minority spoken and written languages are broadly used in the judicial, administrative and educational spheres, as well as in national political and social life. The organs of self-government of autonomous ethnic areas guarantee the freedom of each local ethnic group to use and develop its own spoken and written languages, and in accordance with the provisions of their respective autonomy decrees, will exercise their official duties using the language or languages in general use in that locality. Schools, classes and other educational institutions that primarily enrol ethnic-minority students should under certain conditions use textbooks as well as conduct classroom instruction in ethnic-minority languages. The people's courts and people's procuratorates in autonomous ethnic areas should use the languages in general local use in trying and reviewing cases, as well as deploy staff who are thoroughly familiar with the ethnic-minority languages in general local use. Currently, China not only permits its citizens to use ethnic-minority languages in public institutions at all levels, but has also formed ethnic-language administration networks at the national, provincial, prefectural and county levels and a trans-regional cooperative ethnic language system. The central authorities and some of the ethnic areas have set up institutions for minority-language work, and the State Ethnic Affairs Commission has established a special office responsible for ethnic-minority language work throughout the country.

233. For example, in Tibet and the other Tibetan autonomous areas, the Tibetan and Chinese scripts are used in all laws and regulations, decisions and official documents as well as reports and radio and television broadcast transcripts; schools of all kinds and levels have set up classes in Tibetan. The Tibetan and Chinese languages are routinely used for instruction in schools; some specialized Tibetan-language schools have even been set up in response to need. The Tibetan language is in broad use; Tibetan-language curricula are included in examinations, and grades in those classes are included in overall course credits. Great progress is being made in the codification and information-technology standardization of specialized Tibetan terminology, and the digital encoding of Tibetan has

already been qualified as a national and international standard, making Tibetan the first ethnic-minority language in China to have an international digital standard. More than five million volumes of Tibetan-language books are published each year.

234. The use of ethnic-minority spoken and written languages in higher education is conscientiously safeguarded. In regular institutions of higher education, the use of ethnic-minority languages is permitted for answering questions on student entrance examinations; preparatory education is implemented for students using ethnic-minority languages, and the State encourages autonomous ethnic areas to gradually promote bilingual teaching in minority languages and Chinese. Some institutions of higher education in autonomous ethnic areas broadly employ that ethnic group's language in teaching classes, as for example Tibet University includes Tibetan-language teaching in its planning for the teaching of various fields, and the coverage rate of Tibetan-language teaching has reached 100 per cent. Some ethnic colleges have set up major fields in "Languages and Literatures of China's Ethnic Minorities", opening up ethnic-minority languages as a basic universal category in inter-disciplinary elective courses.

235. Relying on the National Cultural Information Resources Sharing Project, the State has translated 1,209 hours of digital resources in Uyghur, 817 hours of Kazakh, and 1,746 hours of Tibetan. Special Tibetan and Uyghur-language areas have been set up in the national digital culture network. Digital-library promotion projects and electronic reading-room construction plans are being implemented in Tibet and Xinjiang. Ancient-book protection work is being actively undertaken in Tibet and Xinjiang; the central authorities and localities have cumulatively invested more than 14 million yuan for use in training for a survey of ancient books and manuscripts in Tibet and Xinjiang, along with equipment installation, platform construction, preservation staff development, and classification and publication of those materials. Currently, a total of 260 ancient works from Tibet and Xinjiang have been selected for inclusion in the National Catalogue of Rare Ancient Books promulgated by the State Council, and five work units have been selected as key protection units for the project.

236. **Putting the protection of history and culture into practice**. The Chinese Government attaches a high degree of importance to the transmission and protection of the cultures of ethnic minorities. For many years, the central Government and the government of the Tibet Autonomous Region have worked to protect and carry forward the fine traditional culture of Tibet, building a protected area for the distinctive culture of the Chinese nation and enabling Tibetan culture to obtain protection and development. Currently there are 4,277 culture-protection sites in Tibet (55 of these are nationally-designated and another 210 are designated at the autonomous-regional level), with 2.32 million cultural relics in institutional collections. The Potala Palace, the Norbulingka Summer Palace and the Jokhang Temple have been included in the UNESCO World Heritage Sites list; Lhasa, Shigatse and Gyangze have been designated as national historical and cultural cities, and the Tibet Museum has been listed as a top-level national museum. The Tibet Autonomous Region and district-level cities have established institutions for the recovery, collation and study of the ethnic cultural heritage, and are carrying out comprehensive surveys of the cultural and artistic heritage of the people. Ten major artistic and literary collections have been successively compiled and published, including the Tibet volume of the *Chronicles of Chinese Opera*, the Tibet volume of the *Compendium of Ethnic and Folk Dances of China*, and the Tibet volume of the *Compendium of Ethnic and Folk Instrumental Music of China*, collecting and classifying in all over ten thousand pieces of ethnic instrumental, vocal and theatrical works, with some 30 million words of written documentation. Currently, there are nearly 800 intangible cultural heritage projects under way in Tibet, along with more than 80 traditional-theatre organizations and 1,177 persons actively carrying that heritage forward. The State respects and safeguards the right of all peoples of Tibet to live and carry out their social activities according to their traditional

customs and habits, and respects and safeguards their freedom to conduct regular religious faith and worship activities and take part in important religious and ethnic holiday activities as they wish.

237. With regard to the Tibetan ethnic and folk-cultural heritage, the State has undertaken recovery and classification work on a major scale. Since the 1970s, Tibet has had institutions specifically dedicated to the recovery, classification and study of its ethnic cultural heritage, carrying out Region-wide comprehensive surveys of the folk culture and arts that form that heritage, collecting, classifying, and studying the plays, dances, music, folk-ballads and songs, sayings and stories and other literary and artistic materials circulating among the people, successively collecting, recording and collating some 30 million words' worth of materials in Tibetan and Chinese, issuing over a thousand academic treatises on traditional Tibetan culture and publishing more than 30 monographs of research on literature and the arts. Great effort is also being put into fostering talented researchers in Tibetology, with the establishment of a series of research institutions like Tibet University, the China Tibetology Research Centre and the Tibet Academy of Social Sciences that provide a strong base for education and training and cover a full range of fields, from which have emerged a large group of highly-accomplished specialists and scholars. Finally, equal emphasis is given to protecting the cultural heritage and carrying it forward; for example, the Tibetan medicines and medical techniques that have been inherited from ancient times are now included among the pillar enterprises whose development is being strongly supported in the Tibet Autonomous Region.

238. With the strong support of the State, the government of the Xinjiang Uyghur Autonomous Region is recovering and protecting works of ethnic folk literature, collecting, collating, translating and publishing large numbers of folk-song lyrics, myths and legends, popular jokes and stories, fables and proverbs from the rich and varied folk-literary heritage of the Uyghur people. Such splendid examples of the historic and cultural heritage of that ethnic minority as the *Diwān ul-lughat at-Turk* [Compendium of the Turkic Dialects, also known as the Great Turkic Dictionary] have been effectively protected. Classical literary works of the Uyghur people, such as *Rebiya and Saydin* and *Farhad and Shirin* have been successively collated, translated into Chinese and published. Compilation of the Xinjiang volume of the *Compendium of Chinese Folk Literature* has been completed. In order to better recover, classify, study and protect the intangible cultural heritage of Xinjiang, the Autonomous Region has established a centre for the study of that heritage, and ha promulgated the Administrative Measures for Intangible Cultural Heritage Protection Programmes and the Interim Measures for Reporting and Evaluating Representative Works of the Intangible Cultural Heritage. Xinjiang is richly endowed with cultural relics sites; a series of sites representative of the notable architecture of the Uyghur people, such as the Apakh Khoja Mazar in Kashgar, have received appropriate repair and protection.

239. The State fully respects the customs and habits of the Tibetan people; most residents of urban as well as farming and herding regions still follow Tibetan customs in dress, diet, and housing according to their individual wishes. They joyfully observe such traditional festivals and holidays as Losar (the Tibetan New Year), Sho Dun (the Yogurt Festival), Chonga Choepa (the Butter Lamp Festival), Gama Rije (the Bathing Festival), Ongkor (the Harvest Festival), and Dama (the Dharma Festival), which are also respected.

240. The State fully respects Muslim customs and habits. The halal diet is respected and safeguarded in official policies; dietary issues are appropriately resolved for Muslim employees, a broad halal food-products network has been set up, and Muslim dietary customs are accorded respect and consideration in the management and sale of food products. Respect is also shown for Muslim funerary customs; when land is transferred or purchased for use as burial grounds, the policies of the Government departments concerned stipulate that under no circumstances are members of the Hui ethnic minority or other ethnic believers in Islam to be forced to carry out cremations. Muslim New Year festival

customs are respected and given consideration. State regulations provide that no animal-slaughter tax is to be levied on the meat of cattle or sheep slaughtered by followers of Islam for their own consumption during their three major holidays. The holidays of ethnic minorities are respected; measures for time off during ethnic holidays are implemented in accordance with the regulations of the State Council, and in the Xinjiang Uyghur Autonomous Region, the Islamic holidays of Eid al-Adha (Qurban Heyit, or Festival of the Sacrifice) and Eid al-Fitr (Rozi Heyit, or the Festival of Breaking the Fast) have been designated as legal ethnic-minority holidays from work. As the Muslim masses attend the prayer ceremonies during the two Eid holidays, leading officials from all levels of government and related departments visit prominent members of the Islamic community and the Muslim masses to pay their respects and give their congratulations on the holiday. The State also drafts laws and regulations to prevent the infringement or violation of Muslim religious beliefs and life customs in the mass broadcast media.

241. **Putting the protection of freedom of religious belief into practice**. The Chinese Government implements a policy of freedom of religious belief. The freedom of religious belief of all ethnic groups is protected under the law and supported by official policy.

242. Religious activities of all kinds proceed normally in Tibet, and the religious needs of the believing masses are fully met. There are followers of Tibetan Buddhism in Tibet, as well as followers of Islam and of Catholicism. Currently, there are more than 1,780 venues for Tibetan Buddhist religious activities, accommodating over 46,000 monks and nuns, including 358 living Buddhas. Living Buddhas are respected by the State as a form of transmission special to Tibetan Buddhism; more than 40 newly-reincarnated living Buddhas have already been confirmed in accordance with religious rituals and historical conventions.

243. Buddhist associations have been established in the Tibet Autonomous Region and seven prefectural-level cities; the Tibet branch of the Buddhist Association of China has established a College of Tibetan Buddhism, a Tibetan Buddhist sutra-printing house, and publishes *Buddhism in Tibet*, a Tibetan-language journal. In September 2009, in accordance with the Regulations on Religious Affairs and the Measures for the Administration of Tibetan Buddhist Temples, and in light of local conditions, the Tibet Autonomous Region has drafted and introduced strengthened and innovative regulations governing temples, deciding to establish administrative organs in temples throughout the Region, staffed by cadres from the government's Religious Affairs Department as well as monks and nuns from the temples themselves. The government authorities stationed in the temples have greatly improved the quality of life for the monks and nuns, and given them a better environment in which to pursue religious practice, by providing assistance in resolving such basic infrastructure issues as road access and water and electricity systems installation, as well as access to cultural products like television, films and books; they also provide physical-health examinations for the monks and nuns, and ensure their inclusion in the social-security system. This work has been broadly welcomed by members of the religious community since its inception. The State provides financial assistance to key temples and temples damaged in natural disasters in the Tibet Autonomous Region, helping with basic infrastructure and meeting the religious needs of the Tibetan masses; in cooperation with the CPC Central Propaganda Department and the General Administration of Press and Publication, it has made progress in the task of creating reading rooms in temples, accomplishing cultural development in temples and fulfilling its cultural role.

244. There are currently some 21 million Muslims in China, more than 35,000 mosques and 50,000 Islamic clergy, and more than 500 Islamic associations throughout the country. The ten ethnic groups in Xinjiang that follow the Islamic faith include a population of more than 11 million Uyghurs, or 56 per cent of the overall population of the Region. Currently there are more than 24,300 mosques in Xinjiang, of which as many as 8,000 are Jummah (primary or "congregational") mosques, with 29,000 clergy, 89 Islamic associations and

organizations; around 2,000 persons have graduated from Islamic religious institutes, and another 2,000 are undergoing religious training as *talibs* (religious students) by members of the Muslim religious community.

245. Areas with high concentrations of Muslim residents practice autonomy, and have been given the right to control their own affairs. No person may interfere with Muslims conducting religious activities, such as prayer, fasting, delivering sermons, reciting religious scriptures, or observing religious holidays, in places of religious activity or in their own homes in accordance with their own religious doctrine, precepts and customs. Muslims may establish and participate in religious groups, undertake religious activities, publish religious texts and periodicals, conduct religious education, and carry on friendly interactions and academic exchanges with foreign religious groups and religious circles. The Chinese Islamic Association, the China Islamic Affairs Steering Committee and the Islamic Association of the Xinjiang Uygur Autonomous Region, as well as the Autonomous Region's Islamic Affairs Steering Committee, the Xinjiang Islamic Institute, and the Xinjiang School for the Study of Islamic Texts, are assisting the Muslim masses in understanding the religion and doctrines of Islam through many channels, including the teaching and exegesis of religious affairs, the publication of such religious works as the *Quran*, the *Concise Commentaries on the Quran*, and the *al-Wiqayah Teaching*, Islamic Internet sites, and al-Wa'iz (pious exhortation) lectures.

246. Muslims throughout China have established Islamic organizations at all levels, actively conducting religious affairs and studying religious doctrine. The Chinese Islamic Association is a national religious group representing Chinese Muslims that has done a great deal of work in assisting the Government in implementing its policy of freedom of religious belief, defending the lawful rights and interests of Muslims, carrying out religious affairs, cultivating Islamic talent, and publishing religious texts. It has published many editions of the Quran, including translations into the Chinese, Uyghur, Kazakh and Kyrgyz languages, and also launched the *Chinese Muslim* magazine, published in the Chinese and Uyghur languages. The Association is working to promote exchange and friendship with Muslims among our compatriots in Taiwan, Hong Kong and among the overseas Chinese, and is active in developing friendly relations and scholarly and cultural exchanges with Islamic organizations, academic institutions, scholars and religious figures. Local Islamic Associations are also carrying on their normal activities under the protection of the law; some Associations at the provincial, regional and municipal levels also have their own publications and websites.

247. China has translated, published and distributed a series of classic Islamic religious texts and other books of a religious nature, such as editions of the *Quran*, the *Hadith*, the *Selected al-Wa'iz Pious Exhortations*, and the *New Collection of al-Wa'iz Pious Exhortation Lectures* in the Uyghur, Kazakh, Kyrgyz and Chinese languages. A large number of ancient and classic Islamic religious works as well as works by Chinese scholars of Islam, such as the *Concise Commentaries on the Quran*, the *Choice Explanations of the al-Wiqayah Teaching*, the *Complete Sahīh al-Bukhari* (Authentic Sayings of the Prophet, Compiled by Muhammad al-Bukhari), the *Pearls of the Hadith* (Sayings of the Prophet), and the *Nahj al-Balaghah* (Way of Eloquence), have also been published and distributed in Arabic, Chinese and Uyghur. The Chinese Islamic Association and other such organizations have compiled the *Chinese Encyclopædia of Islam*, currently the most authoritative study of and introduction to the religion of Islam in China. The Association also distributes an Uyghur-language edition of the *Chinese Muslim* magazine. For the convenience of the masses of believers, localities have also permitted the establishment of sales organs dealing exclusively in religious books and periodicals. The government of the Autonomous Region also provides living-expense stipends to imams and mullahs (Islamic clerics) experiencing hardships.